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1966
REVUE DE DROIT D'OTTAWA
OTTAWA LAW REVIEW

Inuusuktunut Maligalirinirmut Ikajuqtiit: A Paradigm Shift for Public Legal Education

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PUBLIÉ EN LIGNE | PUBLISHED ONLINE	VOLUME	NO	PAGES
28 avril 2026 | April 28, 2026	57	1	9–46

CITATION RECOMMANDÉE · RECOMMENDED CITATION

FRANÇAIS

Natasha Jaczek, «*Inuusuktunut Maligalirinirmut Ikajuqtiit*: A Paradigm Shift for Public Legal Education» (2026) 57:1 RD Ottawa 9.

ENGLISH

Natasha Jaczek, "*Inuusuktunut Maligalirinirmut Ikajuqtiit*: A Paradigm Shift for Public Legal Education" (2026) 57:1 Ottawa L Rev 9.

rdo-olr.org · lawrev@uottawa.ca · 57 Louis-Pasteur, Ottawa ON K1N 6N5

ÉTABLIE EN · EST. 1966

UNIVERSITÉ D'OTTAWA
FACULTÉ DE DROIT
SECTION DE COMMON LAW

UNIVERSITY OF OTTAWA
FACULTY OF LAW
COMMON LAW SECTION

ARTICLE

Inuusuktunut Maligalirinirmut Ikajuqtiit: A Paradigm Shift for Public Legal Education

Natasha Jaczek

INUUSUKTUNUT MALIGALIRINIRMUT IKAJUQTIIT disrupts traditional models of public legal education (PLE) in Canada by shifting the primary focus on Canadian state law towards a legally pluralist framework. Over the course of six sessions held in a community-owned residential space, the program created a safe environment for Inuit youth, Elders, community, and settler lawyers to listen, share stories, and challenge dominant understandings of law. Topics ranged from housing and human rights to restorative justice and traditional Inuit practices, with Elder-led teachings blending Inuit legal and societal pedagogy to navigate colonial legal systems. Settler lawyers and Ontario Justice Education Network staff were not seen as experts but as co-learners, actively engaging in conversations about rights, responsibilities, and the harms of colonial law. This innovative program reimagines PLE as a tool for systems-critique, cultural revitalization, and youth empowerment. Findings indicate the need to rethink conventional state-centred approaches to program design, development, and evaluation, and begin decolonizing PLE in Canada.

LE PROGRAMME «*Inuusuktunut Maligalirinirmut Ikajuqtiit*» bouscule les modèles traditionnels d'éducation juridique publique (EJP) au Canada en déplaçant l'accent principal du droit étatique canadien vers un cadre juridiquement pluraliste. Au cours de six séances tenues dans un espace résidentiel appartenant à la communauté, le programme a créé un environnement sûr permettant aux jeunes inuits, aux aînés, à la communauté et aux avocats issus de la population colonisatrice d'écouter, de partager des récits et de remettre en question les conceptions dominantes du droit. Les thèmes abordés allaient du logement et des droits de la personne à la justice réparatrice et aux pratiques traditionnelles inuites, avec des enseignements dispensés par les aînés, combinant la pédagogie juridique et sociétale inuite pour naviguer dans les systèmes juridiques coloniaux. Les avocats colonialistes et le personnel de l'Ontario Justice Education Network n'étaient pas considérés comme des experts, mais comme des co-apprenants, participant activement à des conversations sur les droits, les responsabilités et les préjudices causés par le droit colonial. Ce programme novateur réinvente l'EJP en tant qu'outil de critique des systèmes, de revitalisation culturelle et d'autonomisation des jeunes. Les résultats indiquent la nécessité de repenser les approches conventionnelles centrées sur l'État en matière de conception, de développement et d'évaluation des programmes, et de commencer à décoloniser l'EJP au Canada.

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Inuusuktunut Maligalirinirmut Ikajuqtiit: A Paradigm Shift for Public Legal Education

*Natasha Jaczek**

> "*To be honest, the first time I thought we were going to be sitting in a classroom or something. And then just reading a slide show. But no, it was completely different*."[1]
>
> —GG, Youth Leadership Team member

I. INTRODUCTION

What if a public legal education (PLE) program challenged the primacy of Canadian state law and took a critical, multi-juridical approach to navigating law-related problems? Could a decolonizing approach to PLE also engage and legally empower youth participants and community members alike? These questions lie at the heart of *Inuusuktunut Maligalirinirmut Ikajuqtiit* (*IMI*),[2] a PLE program designed by and for urban Inuit youth

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1 GG, Youth Leadership Team member, "Interview with YLT #3" (8 May 2024) via oral communication over zoom [communicated to author].

2 Over the course of six sessions, Ontario Justice Education Network (OJEN) averaged between 10 and 20 youth participants per workshop and had at least one Elder in attendance to share at every session. We also invited guests from the community, including a local legal aid lawyer, an Inuuqatigiit Youth Justice lawyer, and an Indigenous community housing representative. Other guests included an Ottawa police sergeant, an Ottawa police crisis counsellor, a police dog, multiple Inuuqatigiit staff, OJEN staff and lawyers, and two provincial youth outreach workers.

that centred Inuit voices and experiences, demonstrating the transformative potential of critical, community-driven PLE informed by decolonizing principles.[3]

Unlike conventional PLE programs—which often reinforce Canadian common law supremacy without questioning its role and function in perpetuating systemic inequality and "structural violence"—the *IMI* program actively decentred the common law.[4] Community Elders brought *Maligait* (Inuit law) and *Inuit Qaujimajatuqangit* societal principles to the sessions, which were housed in a community-owned Youth Building. Discussions explored the intersection between Inuit legal traditions, lived experience, and the Canadian legal system. This approach empowered Inuit youth to critically engage with law on their own terms, while deepening understandings of their colonial common law rights.

This article uses the *IMI* program as a case study to explore a culturally responsive, legally pluralist, critical alternative to conventional PLE. The analysis situates the program within broader issues that affect the entire PLE community, particularly the tendency to prioritize and accept state legal frameworks. The article relies on empirical methods, including a focus group, program observations, and individual interviews with participants and program staff. Data collection was conducted iteratively over 14 months, ensuring trust and collaboration with the community prior to and throughout the process.[5] Informed consent guided all interactions and participation was voluntary.[6] Thematic coding and reflexive interpretation aimed to centre Inuit perspectives, drawing on community

3 The title of the *IMI* program—*Inuusuktunut Maligalirinirmut Ikajuqtiit*—was chosen by the Youth Leadership Team and the language is a particular dialect of Inuktitut, which is a language of the Inuit in Canada. During a planning session, in which the name was developed, one of the youth leaders phoned their mother to ask for a written translation and this was what she came up with. In English, it loosely translates to "youth justice outreach". However, at a later planning session, there was some debate among the Elders about the meaning and spelling of the title of the *IMI* program, using different dialects. As a result, the Elders made slight adjustment to the spelling of the words. For a more fulsome discussion on the different dialects, see Mariano Aupilaarjuk et al, *Inuit Laws: Tirigusuusiit, Piqujait, and Maligait*, 2nd ed by Jarich Oosten, Frédéric Laugrand & Willem Rasing (Iqaluit: Nunavut Arctic College Media, 2017), vol 2 at 8.

4 Sarah Buhler, "'Don't Want to Get Exposed': Law's Violence and Access to Justice" (2017) 26 JL & Soc Pol'y 68 at 75.

5 Larry K Bremner, "Exploring Indigenous Evaluation" in Canada, Department of Justice, *Exploring Indigenous Approaches to Evolution and Research in the Context of Victim Services and Supports*, by Jane Evans et al (Ottawa: Department of Justice, 2020) 13 at 13.

6 This article draws on anonymized interview data collected as part of my doctoral research.

knowledge to inform the analysis.[7] Ultimately, I argue that the *IMI* program demonstrates how PLE can be reimagined through a critical, legally pluralist, community-driven approach that centres youth voices and non-state legal traditions, offering a transformative alternative and advancing a decolonizing orientation in legal education.

Before turning to the *IMI* program, it is important to situate my own position within this work. I am a middle-aged, queer, white settler, and a PhD student in the final stages of my dissertation at the University of Ottawa, Faculty of Law. I am also a non-practicing lawyer trained in the colonial common law and a consultant with the Ontario Justice Education Network (OJEN), through which I became involved in the *IMI* program from its inception. This positionality shaped my approach. I understood my role was not only to be a listener, but also a learner, recognizing the complexities of the historical and ongoing trauma experienced by the Inuit community within the colonial legal system.[8]

As a Western researcher, I have grappled with the challenges of writing about the *IMI* program. I recognize the limits of my perspective as an outsider to the community. Following Linda Tuhiwai Smith, I understand that interpreting participants' words carries the risk of distortion, invisibility, or misrepresentation.[9] This is not my aim. Rather, through ongoing collaboration and consent, I have sought to build relationships of trust and reciprocity, drawing on the community's knowledge and support to shape this research in meaningful ways.[10] My aim is not to impose settler perspectives, but to amplify community voices for new audiences, often unattuned to this topic.[11]

Part II provides an overview of the *IMI* program and its context within the urban Inuit experience in Ottawa, Canada. Part III juxtaposes

7 Linda Tuhiwai Smith notes that research conducted from a settler perspective ("white research"), like mine, can carry cultural assumptions, values, and power dynamics that influence the study of Indigenous peoples. I have sought to mitigate these risks by designing the study to be ethical, accountable, and responsive to the urban Inuit community through ongoing engagement, informed consent, and attention to relationality (see Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999) at 42, 176).

8 I would be remiss if I did not mention my friend and colleague Eki Okungbowa. Eki was the OJEN lead in Ottawa for this program. At the time, she was not a lawyer (though she is now a law student at Osgoode Hall Law School).

9 Smith, *supra* note 7 at 176.

10 *Ibid* at 176–77. Copies of this manuscript were shared with staff at Inuuqatigiit prior to final acceptance in the *Ottawa Law Review* to verify accuracy and prevent misrepresentation.

11 Smith, *supra* note 7 at 17.

conventional PLE with critical pedagogy and legal pluralism, illustrating their application within the *IMI* program. Part IV explores ways to decolonize PLE and demonstrates critical legal pluralism through the *IMI* program's innovative methods for incorporating these concepts. Part V reframes the *IMI* program's challenges as successes and argues for a reimagined approach to PLE that empowers youth to reclaim and reshape their relationship with the law.

II. CONTEXT

A. OJEN and the *PLEI for Racialized Communities of Youth* Project

OJEN is a non-profit organization that provides innovative PLE programs to youth across Ontario, both in schools and in the community.[12] Its broader mission is to promote improved legal understanding and education through dialogue to support a more responsive and inclusive justice system.[13] OJEN developed the *IMI* program as part of its three-year Department of Justice-funded project, *PLEI for Racialized Communities of Youth* (the Project).[14] The Project focuses on developing culturally responsive PLE programs for African, Caribbean, Black, and Indigenous youth in urban areas in Ontario.[15]

The Project includes several phases, beginning with a series of legal needs assessments within specific racialized communities of youth, coordinated by community partner organizations and local youth leaders in different urban centres across Ontario. The common issues raised in

12 Ontario Justice Education Network, "What is OJEN?" (last visited 11 November 2024), online: <ojen.ca/en/about/ojen>.

13 Ontario Justice Education Network, *Values of the Justice System*, revised ed (Toronto: Ontario Justice Education Network, 2005) at 8.

14 OJEN's definition of youth for this program was young people aged 14–29 years.

15 In Canada, "Indigenous" is a catch-all term that includes First Nations, Inuit, and Métis peoples, each of which represents a multitude of distinct and diverse cultures and communities. The term "Aboriginal" is a legal designation used in the context of Aboriginal rights under section 35 of the *Constitution Act, 1982*. While "Indigenous" is sometimes used interchangeably with "Aboriginal", it carries international connotations and has become more widely accepted in Canada. Although, there is no across-the-board agreement on which term is best to use (see *Constitution Act, 1982*, s 35(2), being Schedule B to the *Canada Act 1982* (UK), 1982, c 11). See also *United Nations Declaration on the Rights of Indigenous Peoples*, UNGA, 61st Sess, UN Doc A/RES/61/295 (2007) GA Res 61/295; Chelsea Vowel, *Indigenous Writes: A Guide to First Nations, Métis & Inuit Issues in Canada* (Winnipeg: Highwater Press, 2016) at ch 1.

each legal needs assessment are then used as a foundation to build out a substantive PLE program, specific to each local community.[16]

In Ottawa, OJEN partnered with the Inuuqatigiit Centre for Inuit Children, Youth, and Families (Inuuqatigiit). Inuuqatigiit is a multi-service Inuit organization that provides cultural, educational, recreational, and social support services to Inuit in Ottawa, and serves as a major hub for early years and youth services.[17] Inuuqatigiit worked closely with OJEN throughout 2023, opening their doors for meetings, program planning, and the PLE program itself.[18] To better understand the importance of this partnership, it is crucial to consider the broader historical context of colonialism in Inuit communities, the effects of which are ongoing and continue to evolve.

B. Historical Context for Inuit in Canada

Most Inuit in Canada live across Inuit Nunangat, located in the country's northern and Arctic regions. Inuit Nunangat makes up slightly less than half of Canada's landmass and just under three-quarters of its coastline.[19] Historically, Inuit were a migratory, hunter-gatherer society, living sustainably and showing respect for the land, animals, and environment.[20] Due to the harsh environmental conditions of Canada's North, the Canadian state initially had little interest in colonizing Inuit-inhabited regions until the South had been settled. By the late 19th and early 20th centuries, colonial interest increased in fur trading and mineral extraction in the North,

16 For example, OJEN facilitated a range of programs, including a human rights and family law program for Black Excellence students at a high school in Ajax, ON; a program for discrimination and human rights at a youth detention centre in Ottawa, ON; and criminal mock trials in Brampton, ON.

17 Inuuqatigiit Centre for Inuit Children, Youth and Families, "Our Philosophy" (last visited 29 October 2024), online: <inuuqatigiit.ca/our-philosophy>.

18 Here, I must extend my deep gratitude to the dedicated staff and volunteers from Ottawa's Inuit community for their invaluable support.

19 Inuit Nunangat consists of 51 distinct communities and spans four geographic areas: the Inuvialuit Settlement Region makes up the northwestern part of the Northwest Territories; the Nunatsiavut is the Inuit region of Labrador; Nunavik is an area in northern Quebec, and; Nunavut was once part of the Northwest Territories but became Canada's newest territory in 1999. Inuit Nunangat makes up 40 percent of Canada's landmass and 72 percent of its coastline (see Inuit Tapiriit Kanatami, "About Canadian Inuit: Inuit Regions of Canada" (last visited 29 October 2024), online: <itk.ca/about-canadian-inuit> [Inuit Tapiriit Kanatami, "Inuit Regions"]).

20 Qikiqtani Truth Commission, *QTC Final Report: Achieving Saimaqatigiingniq* (Iqaluit: Inhabit Media, 2013) at 17–18.

leading to the establishment of Royal Canadian Mounted Police posts, which often became local hubs of governance and trade.[21]

Colonial subjugation in northern regions escalated in the 1940s, when the federal government introduced the "Eskimo Identification system", which categorized Inuit populations for administrative control.[22] Other colonialist practices included the Inuit relocation program, the slaughtering of *qimmitt* (sled dogs), and the forced removal of Inuit children from their families to residential schools run by missionaries.[23] By the mid-1960s, most Inuit had transitioned into permanent northern settlements year-round and were increasingly governed by Canadian laws, often at odds with traditional practices.

Government policy was, and arguably still is, designed to make the North more like the South, imposing a new form of poverty on Inuit that hindered access to land and sources of traditional food.[24] By implementing broader systems of domination, colonial laws not only imposed new "material infrastructures" on Inuit but also "deeply transformed diverse systems of knowledge [used] to navigate various aspects of everyday life."[25] Ultimately, colonial law disrupted and transformed Inuit conceptions of time, space, marriage, work, property, and the state.[26]

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21 In 1939, the Supreme Court of Canada found that Inuit were "Indian" and therefore under the jurisdiction of the federal government in *Reference as to whether "Indians" in s 91 (24) of the BNA Act includes Eskimo inhabitants of the Province of Quebec*, 1939 CanLII 22 at 104 (SCC). See also Inuit Tapiriit Kanatami, *5000 Years of Inuit History and Heritage* (Ottawa: Inuit Tapiriit Kanatami, 2004) [Inuit Tapiriit Kanatami, "5000 Years"].

22 See generally Norma Dunning, *Kinauvit? What's your name?: The Eskimo Disc System and a Daughter's Search for her Grandmother* (Madeira Park: Douglas & McIntyre, 2022); A Barry Roberts, *Eskimo Identification and Disc Numbers: A Brief History* (Ottawa: Department of Indian and Northern Affairs, 1975).

23 Royal Commission on Aboriginal Peoples, *The High Arctic Relocation: A Report on the 1953-55 Relocation* (Ottawa: Canada Communication Group, 1994); Qikiqtani Truth Commission, *supra* note 20 at 14. See also Olivia Stefanovich, "Ottawa to Compensate Inuit in Nunavik for Mass Sled Dog Slaughter", *CBC News* (17 November 2024), online: <cbc.ca/news/politics/nunavik-sled-dog-slaugher-federal-compensation-1.7384345>; The Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Ottawa: The Truth and Reconciliation Commission of Canada, 2015) at 66–69.

24 Qikiqtani Truth Commission, *supra* note 20 at 17, 20.

25 Tobias Berger, "Denial, Deferral and Translation: Dynamics of Entangling and Disentangling State and Non-state Law in Postcolonial Spaces" in Nico Krisch, ed, *Entangled Legalities Beyond the State* (Cambridge, UK: Cambridge University Press, 2022) 35 at 37.

26 Sally Engle Merry, "Law and Colonialism" (1991) 25:4 Law & Soc'y Rev 889 at 890–91.

That said, Inuit communities are "among the most culturally resilient in North America."[27] In the early 1970s, Inuit quickly began gaining political power and formed active associations, such as Inuit Tapiriit Kanatami (ITK). In 1982, the Tunngavik Federation of Nunavut was incorporated, and took over negotiations for land claims on behalf of Inuit living in the eastern Northwest Territories, now Nunavut.[28] A significant step came in 1993 with the formation of Nunavut territory, through the *Nunavut Land Claims Agreement*, which recognized Inuit self-governance over land and resources.[29] In 2024, the Government of Nunavut and the Government of Canada signed the *Nunavut Lands and Resources Devolution Agreement*.[30] This devolution agreement represents the transfer of decision-making authority for land, water, mines, and minerals in Nunavut.[31] After years of hard-fought negotiations, each of the four regions of Inuit Nunangat have successfully settled constitutionally protected aboriginal rights, titles to the land, and several self-government agreements.[32]

C. Urban Inuit Youth in Canada

Despite this burgeoning self-governance and jurisdictional autonomy, young Inuit are increasingly moving to southern urban centres, with about 30 percent of the Inuit population now living outside Inuit Nunangat.[33]

27 Inuit Tapiriit Kanatami, "Inuit Regions", *supra* note 19.

28 Qikiqtani Truth Commission, *supra* note 20 at 61–62.

29 *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*, 25 May 1993, online: <gov.nu.ca> [*Nunavut Land Claims Agreement*]. The *Nunavut Land Claims Agreement* was signed by the Government of Canada, the Government of Nunavut, and the Nunavut Tunngavik Incorporated (NTI), which acts as the legal representative of Inuit of Nunavut for matters relating to treaty rights and negotiations (see generally, Nunavut Tunngavik Incorporated, "Publications" (last visited 8 January 2024), online: <tunngavik.com/publication_categories/devolution>).

30 *Nunavut Lands and Resources Devolution Agreement*, 18 January 2024, online: <rcaanc-cirnac.gc.ca>.

31 *Ibid*.

32 See generally *Nunavut Land Claims Agreement*, *supra* note 29; *Land Claims Agreement Between the Inuit of Labrador and Her Majesty the Queen in Right of Newfoundland and Labrador and Her Majesty the Queen in Right of Canada*, 22 January 2005, online: <rcaanc-cirnac.gc.ca>; *Nunavik Inuit Land Claims Agreement*, 1 December 2006, online: <rcaanc-cirnac.gc.ca>; *Inuvialuit Final Agreement*, 5 June 1984, online: <irc.inuvialuit.com>.

33 Indigenous Services Canada, *An update on the socio-economic gaps between Indigenous Peoples and the non-Indigenous population in Canada: Highlights from the 2021 Census*, Compendium Report to the Department's 2023 Annual Report to Parliament (Ottawa: Indigenous Services Canada, last modified 25 October 2023) [Indigenous Services Canada] ("[a]ccording to the Census, Canada's self-identified Inuit population was 69,705 in 2021, comprising

Southern migration is largely driven by food insecurity, lack of access to housing, healthcare, education, jobs, and a general cost-of-living crisis in the North.[34] The trend toward urbanization among Inuit youth is growing, yet Canadian cities are not fully prepared to facilitate this transition from northern hamlets and communities to large southern urban areas.[35] Current urban programs often take a "pan-Indigenous" approach, effectively treating Inuit as if they were First Nations. This results in limited funding and services for Inuit, who have distinct cultural, linguistic, and historical needs.[36] The Ottawa area is home to the largest Inuit community in Southern Canada and the steady population growth has led to the establishment of organizations like Tungasuvvingat Inuit (TI) and Inuuqatigiit.[37]

Community-based services like Inuuqatigiit provide language, cultural, and social supports while creating space for Inuit youth to navigate city life in ways that remain connected to their culture and traditions.[38] These initiatives address the unique challenges faced by urban Inuit youth, including cultural disconnection, experiences of discrimination at school and in public spaces, and alienation from punitive conceptions of justice.[39] By bridging Inuit traditions and the realities of southern urban life, services like Inuuqatigiit highlight the importance of culturally responsive approaches and the significance of programs like the *IMI* program.

0.2 percent of the national population and 3.9 percent of the Indigenous population. The majority (69.7 percent) live in Inuit Nunangat, which means "homeland", and 44.3 percent in Nunavut in particular.")

34 Elizabeth Payne, "Ottawa's Urban Inuit Resistance", *Ottawa Citizen* (17 April 2015), online: <ottawacitizen.com/news/local-news/ottawas-urban-inuit-renaissance>.

35 Elizabeth Zarpa & Sarah Arngna'naaq, "Creating an Indigenous Justice Strategy, an Aspirational Paper from Inuit Perspectives" in Canada, Department of Justice, *Developing an Indigenous Justice Strategy: A Compilation of Thought Papers by Indigenous Legal Experts*, by Jane Evans et al (Ottawa: Department of Justice Canada, 2023) 17 at 18–19; Royal Canadian Geographic Society, "Urban Inuit" (2018), online: <indigenouspeoplesatlasofcanada.ca/article/urban-inuit>.

36 Royal Canadian Geographic Society, *supra* note 35.

37 Indigenous Services Canada, *supra* note 33. See also Tungasuvvingat Inuit, "About TI" (last visited 9 December 2024), online: <tiontario.ca/about-ti>. Tungasuvvingat Inuit ("TI") is an Inuit-specific registered not-for-profit Ontario service provider offering social support, cultural activities, employment and education assistance, youth programs, counselling, crisis intervention, and more. TI's core values are anchored in the traditional principles of *Inuit Qaujimajatuqangit* (IQ), the Inuit way of "knowing".

38 Inuuqatigiit Centre for Inuit Children, Youth and Families, "Guiding Principles" (last visited 17 September 2025), online: <inuuqatigiit.ca/guiding-principles>.

39 Natasha Jaczek, "Notes from Inuuqatigiit Focus Group" (8 March 2023) via in-person group discussion.

III. TO PLE OR NOT TO PLE

A. Rethinking Conventional PLE and Legal Capability

For decades, PLE has played a vital role in increasing public access to legal knowledge. Conventional PLE aims to "demystify" the law by equipping the public with knowledge and basic skills to manage aspects of "everyday legal problems".[40] PLE takes many forms, from basic legal information initiatives to structured programs that develop legal skillsets.[41] Providers often use informal, multidisciplinary educational methods, ranging from pamphlets, websites, mock trials, community workshops, and awareness campaigns on issues like domestic violence, stop and search, and tenants' rights.[42] More comprehensive programs emphasize building "legal capability" as a "life skill", helping individuals recognize legal issues, seek help, and resolve issues early.[43]

However, these approaches typically flow one way—from legal experts to the public—and often assume, incorrectly, that participants trust the justice system.[44] Undoubtedly, informed public understanding of the law and the legal system is crucial for the proper functioning of democratic societies. In this sense, conventional PLE offers an essential service to the largely uninformed or misinformed public.[45] Nevertheless, prioritizing

40 Roderick A Macdonald, "Access to Justice in Canada Today: Scope, Scale and Ambitions" in Julia Bass, WA Bogart & Frederick H Zemans, eds, *Access to Justice for a New Century: The Way Forward* (Toronto: Law Society of Upper Canada, 2005) 19 at 21–22. See also Lisa Wintersteiger, *Legal Needs, Legal Capability, and the Role of Public Legal Education* (UK: Law for Life, 2015) at 6 [Wintersteiger, *Legal Needs*].

41 Public Legal Education and Support (PLEAS) Task Force, *Developing Capable Citizens: The Role of Public Legal Education* (UK: PLEAS Task Force, 2007) at 15.

42 Lisa Wintersteiger, *Pedagogies of Justice: Critical Approaches to Public Legal Education* (PhD Thesis, Birkbeck, University of London, 2019) [unpublished] at 30 [Wintersteiger, *Pedagogies*]; PLEAS Taskforce, *supra* note 41 at 15. See e.g. Ontario Justice Education Network, "OJEN ROEJ - YouTube" (joined 11 October 2011), online (channel): <youtube.com/@OJENROEJ>.

43 PLEAS Taskforce, *supra* note 41 at 15; Ontario Justice Education Network, "Legal Life Skills: For Discussion at the 2022 SLI" (last visited 12 December 2024), online: <ojen.ca/wp-content/uploads/2022/08/Legal-Life-Skills-for-discussion-at-the-2022-OJEN-SLI.pdf>. See also Nigel Balmer et al, *The Public Understanding of Law Survey (PULS) Volume 2: Understanding and Capability* (Melbourne: Victoria Law Foundation, 2024) at 24, 163.

44 Wintersteiger, *Pedagogies*, *supra* note 42 at 28–30; Pascoe Pleasence & Nigel Balmer, *Legal Confidence & Attitudes to Law: Developing Standardised Measures of Legal Capability* (Cambridge, UK: PPSR, 2018). See also Balmer et al, *supra* note 43 at 14, 15–19.

45 Pascoe Pleasence et al, *Reshaping Legal Assistance: Building on the Evidence Base, A Discussion Paper* (Sydney South, NSW: Law and Justice Foundation of New South Wales, 2014) at xiii, 8, 10–11, 28, 67, 105–06. See also Rebecca Sandefur, "The Importance of Doing

legal capability has its limitations, and as long as settler-colonial legal systems continue to maintain existing economic arrangements and regulate marginalized communities, this form of PLE operates as a useful form of "settler harm reduction".[46]

Conventional PLE is deeply tied to jurisdiction-specific legal systems, which overwhelmingly represent state law. In Canada, programs are typically designed to teach the public about their rights and responsibilities within the Canadian justice system, often without questioning how these laws reinforce colonial values.[47] As Sa'ke'j Henderson writes, "Canadian law was and remains the performance of an institutionalized form of colonization", prioritizing individualism, property ownership, and scientific knowledge over other epistemologies.[48] For Indigenous communities, these frameworks often reinforce a system described as the "quintessential institution that embodies and reproduces the marginalization of…Aboriginal peoples."[49]

For marginalized populations who are disadvantaged by multiple intersecting problems largely based on systemic discrimination, such as poverty and Indigenous status, this approach may be incongruous with true empowerment.[50] Research shows that "everyday legal problems" dis-

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Nothing: Everyday Problems and Responses of Inaction" in Pascoe Pleasence, Alexy Buck & Nigel J Balmer, eds, *Transforming Lives: Law and Social Process* (London: Legal Services Commission, 2007) 112 at 113.

46 Sarah Buhler, Sarah Marsden & Gemma Smith, *Clinical Law: Practice, Theory, and Social Justice Advocacy* (Toronto: Emond Montgomery Publications, 2016) at 113; Eve Tuck & K Wayne Yang, "Decolonization is not a metaphor" (2012) 1:1 *Decolonization: Indigeneity, Education & Society* 1 at 21. See also Buhler, *supra* note 4 at 75; Patricia Barkaskas & Sarah Buhler, "Beyond Reconciliation: Decolonizing Clinical Legal Education" (2017) 26:1 JL & Soc Pol'y 1 at 14.

47 For example, Canadian property law is based on the colonial doctrine of *terra nullius* (or the "Doctrine of Discovery"), which disregards Indigenous relationships with the land and asserts state ownership.

48 James (Sa'ke'j) Youngblood Henderson, "The Split Head Resistance: Using Imperial Law to Contradict Colonial Law for Aboriginal Justice," in Elaine Coburn, ed, *More Will Sing Their Way to Freedom: Indigenous Resistance and Resurgence* (Halifax: Fernwood Publishing, 2015) 50 at 53–54.

49 Dara Culhane & Renee Taylor, "Theory and Practice: Clinical Law and Aboriginal People" in Dorothy E Chunn & Dany Lacombe, eds, *Law as a Gendering Practice* (Don Mills: Oxford University Press, 2000) 120 at 121.

50 See generally Commission on Systemic Racism in the Ontario Criminal Justice System, *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* (Toronto: Queen's Printer for Ontario, 1995). Systemic issues refer to situations where the application of "standard practice" within a system creates an adverse impact on an identifiable group. These problems often extend to affect other racialized and marginalized groups as well.

proportionately affect marginalized groups, compounding social, health, and economic challenges, where legal problems rarely exist in isolation.[51] Therefore, despite its well-intentioned aims, conventional PLE programs—especially those focused on individual legal capability—risk "*responsibilising*" marginalized individuals, framing them as accountable for navigating systemic barriers they did not create.[52]

Equipping communities with tools to navigate the system is only the starting point, given that the system itself perpetuates injustice.[53] Even the most legally capable individual may feel unable—or unsafe—to assert their rights in situations involving power imbalance, such as disputes with landlords, employers, or law enforcement.[54] As Sarah Marsden cautions, equating any amount of PLE or rights knowledge with justice or as a substitute for empowerment risks oversimplifying the complex nuances faced by marginalized groups.[55] Programs that centre on teaching individuals how to function within colonial legal frameworks risk further alienating communities, like Inuit, whom the system is not designed to support.

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51 Laura Savage & Susan McDonald, "Experiences of Serious Problems or Disputes in the Canadian Provinces, 2021" (2022) 85-002-X Juristat at 6, 11–12; Trevor Farrow et al, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: Canadian Forum on Civil Justice, 2016); Julie Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants, Final Report* (Kingsville: National Self-Represented Litigants Project, 2013); Ab Currie, "The Monetary Costs of Everyday Legal Problems and Expanding Access to Justice" in Trevor CW Farrow & Lesley A Jacobs, eds, *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020).

52 Lisa Wintersteiger & Tara Mulqueen, "Decentering Law through Public Legal Education" (2017) 7:7 Oñati Socio-Leg Series 1557 at 1566.

53 Wintersteiger, *Legal Needs*, *supra* note 40 at 14; Janet Mosher, "Lessons in Access to Justice: Racialized Youths and Ontario's Safe Schools" (2008) 46:4 Osgoode Hall LJ 807 at 812.

54 Sarah Buhler & Rachel Tang, "Navigating Power and Claiming Justice: Tenant Experience at Saskatchewan's Housing Tribunal" (2019) 36 Windsor YB Access Just 210 at 215–16; Buhler, Marsden & Smith, *supra* note 46 at 113. See also discussion in Canada, Department of Justice, *Voices Matter*: *The Impact of Serious Legal Problems on 16- to 30-year-olds in the Black Community*, by Meredith Brown et al (Ottawa: Department of Justice Canada, 2021) at 33–34. In *Voices Matter*, many of the young, racialized interviewees cited a sense of "futility or mistrust of processes and officials…[and] indicated that, where possible, they did not seek formal recourse or support" (see *ibid*).

55 Sarah Marsden, "Just Clinics: A Humble Manifesto" (2020) 32 JL & Soc Pol'y 7 at 19.

B. Legal Alienation and Critical Pedagogy

Legal alienation describes the profound disconnection and distrust that many marginalized communities, particularly Indigenous peoples, feel towards legal institutions.[56] Marc Hertogh explains this phenomenon as not being able to identify your voice within the discourse of law, rather hearing a voice "that is illegitimate, foreign, incomprehensible, and distant".[57] This alienation is acutely felt by many Indigenous young people, as demonstrated in a preliminary focus group with Inuuqatigiit youth.

The youth described being taught to fear police and avoid them at all costs—a well-warranted fear given the gross overincarceration and general poor treatment of Inuit within the justice system.[58] Beyond policing, youth also shared negative experiences with lawyers who they felt were unresponsive to their needs.[59] Research shows that many lawyers lack cultural competence, which often leads to incorrect assumptions and inappropriate decisions made against their Indigenous clients' best interests.[60] One young person related, "with the justice system, they like to look down on people of colour or people that have low income and make them feel like they're less of a human, but we are all humans just living every day".[61]

These feelings of alienation reflect a broader phenomenon of estrangement from the justice system, exposing the urgent need for PLE content that not only addresses legal knowledge but also critically engages with the ongoing harms of settler colonialism.[62] For example, it would have been

56 See generally Jon Peters, "Beyond *Gladue*: Addressing Indigenous Alienation from the Justice System in Civil Litigation" (2023) 28 *Appeal* 119; Lesley A Jacobs, *Mapping the Legal Consciousness of First Nations Voters: Understanding Voting Rights Mobilization* (Elections Canada, 2009) online (pdf): <publications.gc.ca/collections/collection_2014/elections/SE3-80-2009-eng.pdf>.

57 Marc Hertogh, *Nobody's Law: Legal Consciousness and Legal Alienation in Everyday Life* (London, UK: Macmillan, 2018) at 14.

58 Canada, Department of Justice, *Overrepresentation of Indigenous People in the Canadian Criminal Justice System: Causes and Responses*, by Scott Clark (Ottawa: Department of Justice Canada, 2019) at 17–18. See also Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Ottawa: The Truth and Reconciliation Commission of Canada, 2015) at 324–25.

59 Jaczek, "Notes from Inuuqatigiit Focus Group", *supra* note 39.

60 Pooja Parmar, "Reconciliation and Ethical Lawyering: Some Thoughts on Cultural Competence" (2019) 97:3 Can Bar Rev 526 at 546–49; Clark, *supra* note 58 at 24. See also Truth and Reconciliation Commission of Canada, *supra* note 58 at 323.

61 DD, Youth Leadership Team member, "Interview with YLT #1" (24 January 2024) via in-person oral communication [communicated to author].

62 Barkaskas & Buhler, *supra* note 46 at 2.

entirely inappropriate to try to teach the Inuuqatigiit youth about how the Canadian legal system operates on principles of equality when the group overwhelmingly viewed the system as "made for white people".[63]

A more effective way to respond to this alienation is to engage the youth through critical legal pedagogy, inspired by Paulo Freire, a revolutionary Brazilian educator and philosopher.[64] Although Freire's framework is not itself decolonial, it provides a tool for empowering marginalized communities to challenge oppression and transform social realities through reflection and action.[65] Freire's model emphasizes problem-posing education, where learning is a process of dialogue rather than a top-down dissemination of knowledge.[66] In this model, there are no teacher-student dichotomies; instead, all participants are encouraged to critically examine "social, political, and economic contradictions, and to take action against the oppressive elements of reality."[67]

Applied to PLE, critical legal pedagogy exposes how dominant discourses perpetuate harm while reclaiming law as a tool of agency for those who have been denied it.[68] Building on these principles, the *IMI* program emphasized problem-posing dialogue and reflective learning, where youth felt safe to discuss real-life legal issues within their communities. Crucially, Elders brought Inuit legal traditions into the process, allowing youth to reflect on how these issues intersect with their cultural identities and knowledge systems, ultimately encouraging a deeper understanding of law that was personal and transformative.

C. Legal Pluralism and Inuit Traditions

Building on this Freirean approach to critical legal learning, the *IMI* program also embraced a legally pluralist perspective by valuing the coexistence and interactivity of common law and Inuit legal orders. Freire's work

63 Jaczek, "Interview with YLT #3", *supra* note 2.

64 Paulo Freire, *Pedagogy of the Oppressed*, translated by Myra Bergman Ramos (New York: The Continuum International Publishing Group Inc, 2005) at 29–34.

65 *Ibid*; Tuck & Yang, *supra* note 46 ("[f]or Freire, there are no Natives, no Settlers, and indeed no history, and the future is simply a rupture from the timeless present. Settler colonialism is absent from his discussion, implying either that it is an unimportant analytic or that it is an already completed project of the past (a past oppression perhaps)" at 20).

66 Freire, *supra* note 64 at 67, 80–81.

67 *Ibid* at 35, n 1.

68 Yirga Gelaw Woldeyes & Baden Offord, "Decolonizing Human Rights Education: Critical Pedagogy Praxis in Higher Education" (2018) 17:1 Intl Education J Comp Perspectives 24 at 29.

exposes "the need to recognize the condition of being indigenous people, which has been denied by Western modernity."[69] Freire argues that pedagogy is only "valid to the extent that, thinking differently, it respects different thinking. Otherwise, it is one more invasion, it is violence against the other culture".[70] In the context of urban Inuit youth, this requires not simply teaching state law but affirming and incorporating Inuit legal traditions into the substantive curriculum.

Legal pluralism acknowledges the coexistence of multiple legal systems within a single social field, encompassing state, customary, religious, Indigenous, and other forms of law.[71] Generally, state law functions within a centralized, codified framework, while non-state law, like Inuit law, often draws on oral history and community-based practices.[72] While Inuit law is frequently unwritten and described as being "of a different nature", it possesses the same internal modes of legitimization, argumentation, collective reason, and accountability as state law.[73] Scholars like Val Napoleon and Aaron Mills emphasize the complexity of this phenomenon, noting that overlapping legal orders can lead to both cooperation and conflict in governance.[74] Using this lens, the *IMI* program offered an opportunity to "participate in the multiple normative communities by which [participants] recognize and create their own legal subjectivity."[75]

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69 Dannyel Teles de Castro & Ivanilde Apoluceno de Oliveira, "Decolonization of Knowledge: Paulo Freire and Brazilian Indigenous Thought" (2022) 47 Educação & Realidade 1 at 2.

70 *Ibid* at 9, citing Paulo Freire, *Pedagogia da Tolerância* (São Paulo: UNESP, 2004) at 71.

71 Val Napoleon, "Legal Pluralism and Reconciliation" (2019) Māori L Rev (November) 1 at 5 [Napoleon, "Legal Pluralism"]. See also Val Napoleon & Hadley Friedland, "An Inside Job: Engaging with Indigenous Legal Traditions Through Stories" (2016) 61:4 McGill LJ 725 at 748. See also authors like Antony Anghie, who offer Third World Approaches to International Law (TWAIL) critiques of the dominance of Western legal paradigms and advocate for a more inclusive understanding of legal systems (see Antony Anghie, "Rethinking International Law: A TWAIL Retrospective" (2023) 34:1 Eur J Intl L 7).

72 Aupilaarjuk et al, *supra* note 3 at 6–7.

73 *Ibid* at 6; Napoleon, "Legal Pluralism", *supra* note 71 at 9; Aaron Mills reflects on the interplay between Canadian colonialism and sacred Indigenous spaces by exploring Anishinaabe law and emphasizes shifting attention from *what* is learned to *how* it is learned (see Aaron Mills, "Driving the Gift Home" (2016) 33:1 Windsor YB Access Just 167 at 184–86).

74 Brian Z Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences* (New York: Oxford University Press, 2021) at 2–3; Napoleon, "Legal Pluralism", *supra* note 71 at 7, 15; Aaron Mills, "Rooted Constitutionalism: Growing Political Community" in Michael Asch, John Borrows & James Tully, eds, *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings* (Toronto: University of Toronto Press, 2018) at 157–58.

75 Martha-Marie Kleinhans & Roderick A MacDonald, "What is Critical Legal Pluralism?" (1997) 12:2 CJLS 25 at 38.

For Inuit, *Maligait* (or *Maligaq* or *Maligarjuat*) are the closest thing to Western notions of "law" but are better understood as ethical principles or commitments.[76] *Maligait* are much more expansive than colonial laws and literally mean "big things that must be followed."[77] *Maligaq* is a relational term that comprises four interrelated ideas: working towards the common good; maintaining harmony and balance; maintaining respectful relationships with all living and non-living things; and planning and preparing for the future.[78] These principles are non-hierarchical and hold equal significance, reflecting an organic approach to legal obligations. Inuit believe that failure to follow *Maligarjuat* puts the community in danger; however, resolving conflict is not a punitive practice.[79] Rather, achieving justice is a restorative process that involves acknowledging wrongdoing and committing to behaviour change, in pursuit of the truth and a return to balance in the community.[80]

Alongside *Maligait*, *Inuit Qaujimajatuqangit* (*IQ*) serves as a complementary framework for ethical living and loosely translates to "what Inuit has known all along."[81] *IQ* is not a legal concept but embodies a shared worldview that guides governance and social and environmental relationships. Emphasizing respect, care, service, and providing for family and community, *IQ* functions as both a shared worldview and detailed plan for having a good life.[82]

The *IMI* program incorporated these interconnected frameworks of *Maligait* and *IQ* through Elder-led teachings and dialogue. Together,

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76 See also Aupilaarjuk et al, *supra* note 3 at 2–3, 19; Joe Karetak & Frank Tester, "*Inuit Qaujimajatuqangit*, Truth and Reconciliation" in Joe Karetak, Frank Tester & Shirley Tagalik, eds, *Inuit Qaujimajatuqangit: What Inuit Have Always Known to Be True* (Winnipeg: Fernwood Publishing, 2017) 1 at 3. There are different spellings of the term for Inuit Laws in the texts I am relying on. I believe these variations reflect different attempts to represent the word in Roman Script, corresponding to the different dialects of Inuktitut. The three most common spellings are: 1) Maligait; 2) Maligaq; and 3) Maligarjuat. While the way I have arranged the terms may seem confusing to Western readers, I am using the terms as they appear in the original texts I cite.

77 Aupilaarjuk et al, *supra* note 3 at 20.

78 *Ibid* at 3; Karetak & Tester, *supra* note 76 at 9–17.

79 Karetak & Tester, *supra* note 76 at 3–4.

80 *Ibid* at 5.

81 Mark Kalluak, "*About Inuit Quajimajatuqangit*" in Joe Karetak, Frank Tester & Shirley Tagalik, eds, *Inuit Qaujimajatuqangit: What Inuit Have Always Known to Be True* (Winnipeg: Fernwood Publishing, 2017) 41 at 41.

82 Tungasuvvingat Inuit, *supra* note 37. *IQ* calls for respecting others, caring for people, serving and providing for family and community, and making decisions through discussion and consensus. *IQ* encourages working together for a common cause, developing skills through mentoring, and having respect and care for the land, animals, and the environment.

they provided a foundation for teaching Inuit youth about their rich legal and cultural traditions. Legal pluralism here is not merely a theoretical acknowledgement of difference; this approach re-centred the legitimacy of Inuit law, countering colonial narratives that have long sought to erase or diminish Inuit legal orders, and offering the youth an alternative framework to understand justice on their own terms.[83] Alongside critical legal pedagogy and participatory approaches, these elements create a decolonial framework that Part IV illustrates through the *IMI* program, showcasing how youth, Elders, and educators collaboratively enact Indigenous-led justice education.

IV. DECOLONIZING PLE: A CASE STUDY

The *IMI* program demonstrates the potential for decolonizing PLE by centring Indigenous knowledge and authority within the learning experience. Decolonization is a process of deconstructing colonial ideologies and bringing Indigenous thought to the forefront.[84] This process represents a "beyond-reform" space, requiring transformative action to dismantle laws, stereotypes, and norms used to stigmatize people and deprive them of agency over their lives.[85] Decolonial practices address trauma caused by such stigmatization and establish institutions that provide legitimate political authority and accountability to previously colonized people.[86]

Central to these efforts is the alignment of decision-making power with culturally meaningful standards of legitimacy.[87] As Patricia Barkaskas and Sarah Buhler note, settler educators must get comfortable exploring "the

83 Tracey Lindberg, "Critical Indigenous Legal Theory Part 1: The Dialogue Within" (2015) 27:2 CJWL 224 at 243.

84 Wasiq Silan, Donna Baines & Frank Wang, "Decolonizing Decolonization Projects: Neoliberalism, Indigenous Services, and Indigenous Strategic Change in Taiwan and Canada," (2025) 22:4 Globalizations 507 at 508. See also Truth and Reconciliation Commission of Canada, *supra* note 58 at 325.

85 Katharine McGowan et al, "Decolonization, Social Innovation and Rigidity in Higher Education" (2020) 16:3 Soc Enterprise J 299 at 301.

86 Melissa S Williams, "Political Responsibility for Decolonization in Canada" in Genevieve F Johnson & Loralea Michaelis, eds, *Political Responsibility Refocused: Thinking Justice After Iris Marion Young* (Toronto: University of Toronto Press, 2013) 78 at 83–84. Other decolonizing practices include restoring to the colonized population the benefit of the land and resources to which they rightfully have claim and redistributing resources and opportunities so that members of the formerly colonized population have life chances that are equal to those of the settler population. This includes the opportunity to share family and intergenerational community as sources of healthy individual development.

87 *Ibid*.

paradox of working within the dominant colonial legal system, working to reveal decolonial spaces within the system, and working to connect… with broader Indigenous struggles for justice."[88] Engaging meaningfully with Indigenous communities and their laws is essential to navigating the challenges and possibilities of decolonial justice.

A decolonizing approach to PLE aligns with Freire's philosophy of creating space for dialogue and reflection through problem-posing and community-driven sessions that challenge dominant narratives and power structures, while centring cultural perspectives.[89] The rebalancing of power relationships is not a binary exercise of one legal system over the other, but a revaluing and reprioritizing of Indigenous justice systems, approaches, and ways of knowing.[90] Similar to decolonizing other forms of pedagogy, common law PLE providers can emphasize "comprehension not perfection", while encouraging "intercultural communication" and "sharing…knowledge" between participants.[91] The *IMI* program used this approach, which Inuuqatigiit staff described as "very meaningful" and as having "decolonized the program as much as it could".[92]

A. Problem-Posing PLE Grounded in Legal Needs Assessment

Freire warns against using a "banking model" of education, where educators choose the program content and "deposit" their knowledge "on a topic completely alien to the existential experience of the students."[93] The *IMI* program intentionally took a different approach, offering a powerful example of problem-posing PLE by tailoring content to the lived experiences of Inuit youth, while encouraging critical reflection "of themselves and of the world in which and with which they exist."[94]

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88 Barkaskas & Buhler, *supra* note 46 at 12.

89 Teles de Castro & Apoluceno de Oliveira, *supra* note 69 at 8.

90 David B MacDonald, "Canada's Truth and Reconciliation Commission: Assessing Context, Process, and Critiques" (2020) 29:1 Griffith L Rev 150 at 170. See also Aaron Mills, "Rooted Constitutionalism: Growing Political Community" in Michael Asch, John Borrows & James Tully, eds, *Resurgence and Reconciliation: Indigenous–Settler Relations and Earth Teachings* (Toronto: University of Toronto Press, 2018) 133.

91 Natasha Ita MacDonald, "Why Inuit Culture and Language Matter: Decolonizing English Second Language Learning" (2023) 19:4 AlterNative 794 at 800. See also Smith, *supra* note 7 at 15–16.

92 TT, Inuuqatigiit Staff, "Interview with Staff #2" (22 January 2024) via oral communication over Zoom [communicated to author].

93 Freire, *supra* note 64 at 72–74.

94 *Ibid* at 95.

In spring of 2023, OJEN conducted a focus group with 11 Inuit youth associated with the Inuuqatigiit Centre, during which they shared personal experiences around housing, employment, racism, and police encounters. The youth spoke of struggles with landlords illegally raising rents and issues related to Native housing.[95] One youth described the challenge of applying for jobs as a young Inuit woman, stressing that if she couldn't get hired, that would "feed into the stereotype of not wanting to work or choosing not to work", but she asserted, "that is not the case".[96] Much of the conversation centred on anti-Inuit racism, discrimination, and negative police encounters, with youth recalling being profiled in stores, on the street, and at school.[97]

These accounts revealed a systemic pattern of marginalization, reflecting broader systemic issues that intersect with colonial history and contemporary racism. The intersection of Indigeneity, intergenerational trauma, gender, and age intensifies the effect of this racism.[98] As one youth noted, "the system is not made for everyone…. If I walk into a room versus if my best [white] friend walks into a room, they are all going to help her, the system is going to work on her side. Whereas me, it's not".[99] These experiences of alienation echoed Freire's warning, illustrating the deep disconnect that can interfere with meaningful learning.

To address the issues raised in the focus group and ensure that program content was grounded in the youth's lived realities, OJEN integrated these insights into the learning process itself, asking the youth to develop a character with whom they could relate. The youth created a character named "Annie", a 17-year-old Inuk woman, who had been living in Ottawa for two years but was born in Iqaluit, Nunavut. Annie's narrative unfolded over sessions on housing, income assistance, discrimination, and legal life skills, revealing her struggles with a racist landlord, difficulty collecting disability support, and other systemic barriers.[100]

The youth were asked to identify the legal issues Annie was facing, which were immediately relatable to them, and explore possible options for legal assistance. Often, guests like youth justice workers and legal aid

95 Jaczek, "Notes from Inuuqatigiit Focus Group", *supra* note 39 at 1.

96 *Ibid*.

97 *Ibid*.

98 Brown et al, *supra* note 54 at 18.

99 Jaczek, "Interview with YLT #3", *supra* note 2.

100 Natasha Jaczek, "Notes from June Planning Session" (27 June 2023) via in-person group discussion [communicated to author]. According to the youth, "Annie" is a popular Inuk name.

lawyers would then describe legal processes and how to get help, sparking deeper conversations about systemic discrimination and the importance of community support.[101] At the end of each session, the youth were asked to share one key takeaway and their answers were always on point, recalling websites like "Steps to Justice" and supports like Community Legal Services and TI.[102] By centring Annie's narrative, the *IMI* program transformed abstract legal concepts into tangible, lived experiences while rejecting the assumption that the Canadian legal system adequately defines and serves justice for all.[103] This approach encouraged critical legal awareness and empowered youth to act on that knowledge.

B. Youth-led, Community-Based Student-Teachers

In alignment with Freire's vision of community-led education, OJEN intentionally structured the *IMI* program in close collaboration with a Youth Leadership Team (YLT).[104] Composed of a small group of young Inuit leaders, with deep ties to Inuuqatigiit programming, the YLT ensured that the initiative reflected the priorities and realities of urban Inuit youth rather than being externally imposed.[105] The YLT had specific goals in mind for program content, such as, "to learn more of [our] rights, learn more about the different structures and programs available to youth".[106] But the YLT also believed "it's important for youth to know that everyone should be treated equally and be kind no matter what".[107]

Each member of the YLT brought a distinct perspective shaped by their lived experience as young Inuit living in Ottawa. LL, a youth advocate born in the north, balanced a job at a local youth organization with caregiving responsibilities and used social media to showcase Inuit culture.[108] DD, a

101 Natasha Jaczek, "Observations of Session #3" (21 November 2023) via contemporaneous written reflections by author.

102 Natasha Jaczek, "Observations of Session #1" (7 November 2023) via contemporaneous written reflections by author.

103 Marsden, *supra* note 55 at 20.

104 Jaczek, "Notes from June Planning Session", *supra* note 100. YLT members and Elders were compensated for their time and service at an agreed upon rate, after OJEN connected with an Indigenous program consultant for guidance on appropriate compensation (see *ibid*).

105 Initials and identifiable details of the YLT have been changed for ethical purposes (see *ibid*).

106 Jaczek, "Interview with YLT #1", *supra* note 61.

107 *Ibid.*

108 LL, Youth Leadership Team member, "Interview with YLT #2" (8 February 2024) via oral communication in person [communicated to author].

post-secondary student from a small northern community, was navigating the transition to city life while maintaining close cultural connections.[109] GG, an Inuk art student born in Ottawa, described wanting "to get back into my culture and…hang out with youth around my age, who are Inuk as well, because I was taken away from my culture".[110] These diverse experiences ensured the *IMI* program reflected the needs of Inuit youth from multiple backgrounds.

Over a span of eight months, the YLT played a central role in designing, developing, and delivering the *IMI* program. They not only selected which legal issues from the initial focus group would be addressed but also ensured that sessions were framed in ways that resonated with Inuit youth. Rather than relying solely on conventional PLE materials, they screened OJEN-produced resources, adapted content for cultural relevance, and had veto power over external legal professionals, ensuring alignment with Inuit values and priorities. The YLT introduced the idea of beginning each session with a shared meal and Inuit games to "break the ice" with the youth participants. They coordinated the program space and sent out personal invitations to Inuit Elders to assist in program planning and facilitation of workshops.[111]

By centring Inuit youth voices at every stage of development, the *IMI* program disrupted conventional PLE models, forming program content *with* and not *for* the community.[112] The YLT became co-creators rather than passive recipients, and ensured the *IMI* program was legally relevant and deeply rooted in Inuit ways of knowing. This approach operationalized Freire's vision of pedagogy as a collaborative, reflective process. As GG observed, "you were actually listening and we could all tell that you appreciate, like literally, almost everything".[113] Freire writes "through dialogue, the teacher-of-the-students and the students-of-the-teacher cease to exist", and as such, the YLT created a program responsive to the needs of the youth participants, while actively decolonizing the learning process.[114]

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109 Jaczek, "Interview with YLT #1", *supra* note 61.

110 Jaczek, "Interview with YLT #3", *supra* note 2.

111 Jaczek, "Notes from June Planning Session", *supra* note 100.

112 Freire, *supra* note 64 at 48.

113 Jaczek, "Interview with YLT #3", *supra* note 2.

114 Freire, *supra* note 64 at 79.

C. Decolonizing the Classroom Experience

From the outset, the YLT rejected a conventional classroom setting, instead identifying the "Youth Building" as an ideal location for the *IMI* program. The Youth Building is a house in a residential neighbourhood that Inuit youth visit after school and hang out, craft, play video games, share meals, and participate in various programs. The unorthodox PLE setting, filled with couches, bean bag chairs, TV trays, and kitchen stools, reflected a sense of cultural safety for the youth and reinforced the breakdown of traditional teacher-student hierarchies. There was a communal feel to the space that was relaxed and fun—a dynamic space with its own energy.[115] By delivering the *IMI* program in a community-centred space, OJEN was able to meet the youth where they were at—both literally and figuratively.

The Youth Building also had its own internal system of governance, subtly reinforcing community norms and practices that the youth instinctively followed. For instance, when Elders arrived, the youth greeted them, made sure they were comfortable, and brought them tea. The Elders always ate first, their dishes were cleared first, and the youth were silent when Elders spoke. At the end of each session, the youth collectively thanked the Elders for their participation, brought them their coats, and helped them to their taxis. These subtle, community-driven practices were embedded in the space itself, known to the community but only observed by OJEN.[116]

The actions of the youth reinforced principles of respect, responsibility, and mutual care, echoing the foundational values of *Maligait* and *IQ*. According to Inuuqatigiit staff, the whole process produced a "wonderful domino effect", beginning with the YLT-guided process, followed by hosting the program in an Inuit space, and culminating with the involvement of Elders.[117] By situating legal learning in a culturally grounded space that naturally reflected Inuit norms and practices, the *IMI* program created the conditions for a deeper shift: moving from the physical re-ordering of classroom hierarchies to the conceptual decentring of the common law itself.

115 Jaczek, "Interview with Staff #2", *supra* note 92.

116 It was only upon deep reflection and research that I picked up on some of these cues, and I am sure I am only scratching the surface with my observations here.

117 Jaczek, "Interview with Staff #2", *supra* note 92.

D. Decentring the Common Law

Expanding on this foundation, a central goal of the *IMI* program was to decentre common law as the sole framework of justice and to elevate Inuit legal traditions as legitimate, living systems operating alongside Canadian law.[118] As John Borrows observes "Indigenous legal traditions stand beside civil law and common law; they also legally organize and structure society and establish systems that describe the actual or desired theory and practice of law."[119] This principle shaped multiple program sessions, including a housing law workshop and a final roundtable involving youth, Elders, outreach workers, and police. Both sessions illustrate how the *IMI* program created spaces for distinct legal orders to interact, sometimes in tension and sometimes in dialogue, while encouraging participants to reflect critically on their place within these systems.

The housing law workshop provides a compelling example of this approach by juxtaposing common law insights with "how the Inuit do it".[120] The YLT invited special guests from Tewegan Housing for Indigenous Youth, Community Legal Services Ottawa, and Elders from the community to participate in the dialogue. By engaging expertise from all three perspectives, the *IMI* program created a deeper, more culturally nuanced understanding of housing problems. Specifically, the legal aid lawyer discussed common law legal services available to young people in need, while Tewegan staff offered practical, culturally sensitive insights into Western legal frameworks, and the Elders brought *IQ* into discussions about landlords and eviction.[121] This dialogical approach illustrated the distinctions between legal systems but also the potential collaboration in real-world situations. By using a blended method, the youth remained engaged in both systems of law.

The *IMI* program's final session expanded this approach by inviting police officers, outreach workers, Elders, and organizational leaders into a

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118 Val Napoleon, *Thinking About Indigenous Legal Orders* (National Centre for First Nations Governance, 2007) at 2.

119 John Borrows, *Indigenous Legal Traditions in Canada* (Ottawa: Law Commission of Canada, 2006) at i.

120 Natasha Jaczek, "Notes from Elders' Planning Session" (10 October 2023) via in-person group discussion [communicated to author].

121 Natasha Jaczek, "Observations of Session #5" (5 December 2023) via contemporaneous personal written reflections by author; Tewegan Housing for Aboriginal Youth, "About Us" (21 November 2024), online: <teweganhousing.ca/about-us>. Tewegan is an Ottawa-based culturally oriented transitional home that provides housing, programming and services for young First Nations, Inuit and Métis women.

collective dialogue.[122] Police officers talked about the importance of knowing their own privilege and being there to listen, while outreach workers spoke about their experiences with racism and motivations for entering professions aimed at empowering racialized youth. Inspired by this discussion, a young person voiced her distrust of the police, stating "every interaction [she's] had with police has been bad".[123] In response, the youth invited Elders to share their experience with justice and anything they had to teach about the justice system.[124]

The Elders spoke candidly about moving to Ottawa and being "full of rage and anger at the way the police and social services treated Inuit up north".[125] One of the Elders recalled how long it took her to build trust, describing experiences of being followed in stores because shop owners assumed she would steal—experiences echoed by the youth at the focus group. Another Elder encouraged the youth to believe in themselves and "show the white people they are not drunks, or lazy, or thieves".[126] She drew on *IQ* principles, teaching that strength comes from within and from community. Through their shared knowledge and lived experience, the Elders reframed common legal challenges through the empowering lens of *Maligait* and *IQ*. Their narratives were not mere adjuncts to the *IMI* program, but central to its transformative impact.

As Martin Keavy notes, "the act of remembering and of telling stories about the past might itself be thought of as a deeply political act. Elders' testimonies [and]…narratives about the ways of the *inummariit*—the '*real* Inuit'—are radical and empowering, particularly in the hands and ears of Inuit youth."[127] Similarly Karetak explains, "Elders have lived with, thought about and are knowledgeable about Inuit culture. Their wisdom and their years of experience with difficult social change are important to the future of Inuit."[128] By centring Elders in conversations about justice, the *IMI* program offered a powerful form of legal pluralism. Program content

122 Natasha Jaczek, "Observations of Session #6" (12 December 2023) via contemporaneous personal written reflections by author. Special guests included two members of the Ottawa Police Department, a police dog named "West", two Indigenous Youth Outreach Workers, and the Executive Director of the Inuuqatigiit Centre.

123 *Ibid*.

124 Natasha Jaczek, "Notes from September Planning Session" (19 September 2023) via in-person group discussion [communicated to author].

125 Jaczek, "Observations of Session #6", *supra* note 122.

126 *Ibid*.

127 Keavy Martin, "Are We Also Here for That?: *Inuit Qaujimajatuqangit* – Traditional Knowledge, or Critical Theory?" (2009) 29:1&2 Can J Native Studies 183 at 189.

128 Karetak & Tester, *supra* note 76 at 10.

challenged the dominance of common law by elevating Inuit legal traditions and creating meaningful dialogue between two distinct legal orders, which itself became an act of resistance and empowerment.[129]

E. Inuit Legal Pedagogy

Justice was not confined to legal codification; rather, it emerged as something dynamic and pluralistic, rooted in lived experiences, community values, and cultural practices. Through shared meals, Elders' stories, traditional games, and quiet acts of intergenerational teaching, a different vision of justice permeated the Youth Building. This was not something that could be scripted into a PLE lesson plan or a "know-your-rights" handout; it had to develop slowly and organically within an Inuit-owned space. What unfolded was a deeply grounded approach to justice education: one that centred Inuit legal traditions, engaged youth in hands-on learning, and created space to critically contrast restorative and punitive frameworks.

As Hadley Friedland and Val Napoleon observe, "[s]tate law is not the only source of relevant or effective legal order in Indigenous people's lives."[130] Incorporating law that is uniquely Indigenous and "based on [Indigenous] values should encourage dialogue, ignite debate, and be tested and explored in practice."[131] The *IMI* program provides a striking example, as each session began with a shared meal, an Elder-led opening in Inuktitut, the lighting of the *qulliq*—a traditional Inuit oil lamp—and 15 minutes of youth-led Inuit dice and string games.[132] These opening practices were not simply "ice-breakers", but reflected core principles of Inuit legal traditions, which emphasize respect for culture, people, animals, and land.[133] Elder teachings underscored these tenets and reminded the group that Inuit legal principles and common law derive from fundamentally different cultural perspectives.[134]

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129 *Ibid*.

130 Hadley Friedland & Val Napoleon, "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (2015) 1:1 Lakehead LJ 17 at 17.

131 Napoleon & Friedland, *supra* note 71 at 729, citing Christine Zuni Cruz, "Tribal Law as Indigenous Social Reality and Separate Consciousness [Re]Incorporating Customs and Traditions into Tribal Law" (2000) 1 Tribal LJ 1 at 20–21.

132 A *qulliq* is a traditional Inuit oil lamp, typically made from stone and traditionally fueled by seal or whale oil. It is used for light, heat, cooking, and ceremony.

133 Jaczek, "Notes from Elders' Planning Session", *supra* note 120.

134 Aupilaariuk et al, *supra* note 3 at 1–2.

Within this framework, the *IMI* program emphasized restorative justice as a foundation for understanding Inuit approaches to conflict resolution. Rather than serving as a procedural alternative to punishment, restorative justice offers a fundamentally different understanding of harm that focuses on relationship, accountability, and community repair.[135] These practices aim to create systems grounded in dignity, respect, and collective well-being. In Indigenous contexts, these processes often draw from legal traditions that centre healing and relational balance over punitive responses.[136]

One *IMI* session illustrated these principles vividly. An Inuuqatigiit lawyer led a teaching on restorative justice practices in the Ottawa courts, co-facilitated by an Elder who was involved in starting a traditional tool-making workshop as part of a diversion program with the Ottawa courts. The youth were asked to consider a hypothetical "crime" under the common law involving a break-in at the Youth Building. The lawyer posed the question: would the wrongdoer be put in jail or would the community come together to determine the best resolution?[137] The youth immediately answered that the person would be put in jail or under house arrest, reflecting their familiarity with punitive models of justice.

The Elder then offered a contrasting view rooted in Inuit legal tradition. He answered, "[i]n the old days", the first question would be "[w]as he poor? Did he need something? Why did he need to break in?"[138] This was not about excusing harm but about understanding its root cause. The Elder emphasized that traditional Inuit justice reflected a system focused on community problem-solving rather than individual punishment.[139] He contrasted this with common law courts, which he said, "ignore the underlying cause, the courts only look at the surface".[140] Rather than focusing solely on outcomes like guilt or innocence, restorative approaches prioritize the process and centre the needs of both those harmed and those responsible.[141]

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135 Jeffery G Hewitt, "Indigenous Restorative Justice: Approaches, Meaning & Possibility" (2016) 67 UNBLJ 313 at 316.

136 Canada, Department of Justice, *A Report on the Relationship Between Restorative Justice and Indigenous Legal Traditions in Canada*, by Larry Chartrand & Kanatase Horn (Ottawa: Department of Justice, 2016) at 3–7.

137 Natasha Jaczek, "Observations of Session #2" (14 November 2023) via contemporaneous personal written reflections by author.

138 Jaczek, "Observations of Session #3", *supra* note 101.

139 Aupilaariuk et al, *supra* note 3 at 66–67, 70.

140 Jaczek, "Observations from Session #2", *supra* note 137.

141 Hewitt, *supra* note 135 at 316.

This dialogue transitioned into a hands-on session on sharpening the *ulu*—a traditional Inuit knife—led by the same Elder.[142] Using a white board, the Elder illustrated the physics behind sharpening the burr of the *ulu* blade, transforming its curve into a sharp point. He then demonstrated step-by-step techniques with a metal file and invited the youth to try. Three youth eagerly stepped up to the challenge, including a grandchild of one of the Elders.[143] The workshop became a living demonstration of Inuit legal pedagogy, where learning happens through unity, observation, practice, and intergenerational knowledge-sharing.[144]

Another session was entirely dedicated to Elder-led teachings, with OJEN present only as guests, ensuring the focus remained on Inuit knowledge. The session began with a shared meal and the lighting of the *qulliq*, followed by a reading of the *IQ* principles, with the Elders voicing their concerns about the younger generation "losing their culture, living in the big city".[145] The Elders carefully explained what each principle meant to them in their own lives, both in the past and in contemporary city life.

The Elders spoke of living off the land, where the changing seasons dictated life in their home communities. They described igloo architecture and how young boys trained pups as dog teams with toy sleds.[146] They spoke of traditional knowledge and community justice practices, explaining that when someone committed a wrong, the community would come together to hear from the wrongdoer's perspective and what trouble they were having. As the Elders spoke, the youth were quiet, respectful, and deeply attentive.[147]

This view of justice allows youth to embrace traditional teachings within contemporary legal structures. DD reflected, "I have learned that you have a voice in the real world and you should know your rights and say what is bothering you without escalating it".[148] The *IMI* workshops demonstrated legal pluralism in action. As LL observed, "lawyers know all

142 An *ulu* is a traditional Inuit all-purpose knife with a curved blade and a central handle, used for tasks like skinning, cutting, and food preparation.

143 Jaczek, "Observations from Session #2", *supra* note 137.

144 See e.g. Nunavut Impact Review Board, "Inuit Qaujimajatuqangit" (last visited 4 January 2025), online: <nirb.ca/inuit-qaujimajatuqangit> ("*Pilimmaksarniq*—[d]evelopment of skills through observation, mentoring, practice, and effort").

145 Jaczek, "Observations from Session #2", *supra* note 137.

146 *Ibid*.

147 *Ibid*.

148 Jaczek, "Interview with YLT #1", *supra* note 61.

the legal stuff, but Elders, with their life experience and telling you about it and learning from it, also teaches the youth that it's okay".[149]

By grounding PLE in Inuit traditions, the *IMI* program preserved and revitalized cultural practices while promoting a pluralistic approach to justice, guided by decolonizing practices, that resonated deeply with the community. The program's transformative impact became even more evident during post-program interviews, where participants shared tangible examples of applying their new knowledge in real-life situations.

F. Gauging Community Response: Post-Program Interviews

In a series of post-program interviews conducted with the YLT in the months following the *IMI* program, the program's effectiveness was put on full display. One Inuuqatigiit staff member noted, "the program was transparent about walking the reconciliation path", emphasizing that "reconciliation is about how we learn from each other and being open to listening".[150] The insights shared by the YLT illustrate that the program not only increased conventional legal capability skills, but also strengthened cultural connections, and offered a sense of empowerment in self and community.

When asked whether the participants better understood their legal rights after the program, LL explained "[y]es, I learned from the program. Definitely about housing stuff...I learned a lot".[151]DD felt similarly, stating, "I feel like I am more knowledgeable when we have these types of programs, when we get together and have the right information".[152] All participants agreed they were more likely to stand up for their rights now, with LL confirming, "I would definitely, yeah, more than before".[153] GG added, "I very strongly agree", while DD explained, "when people have more learning support with these things, it is easier on the mind for any individual who is going through the justice system".[154]

One YLT member shared a striking example of empowerment during a recent post-program encounter with police. After being detained for over eight hours without clear cause, they recalled asserting their rights

149 Jaczek, "Interview with YLT #2", *supra* note 108.
150 Jaczek, "Interview with Staff #2", *supra* note 92.
151 Jaczek, "Interview with YLT #2", *supra* note 108.
152 Jaczek, "Interview with YLT #1", *supra* note 61.
153 *Ibid*.
154 Jaczek, "Interview with YLT #3", *supra* note 2; Jaczek, "Interview with YLT #1", *supra* note 61.

by telling the officers, "If I am not being charged for anything, and I am not a danger to society, you are not allowed to just hold me here".[155] They also referenced their community connections, stating, "I have a counsellor at Inuuqatigiit and we are Inuit and they are not going to be happy about this".[156] After standing up for their rights in this way, they explained, "the police let me out after like 15 minutes".[157] This incident highlights how the *IMI* program helped empower participants to assert their rights, even in high-stress situations.

Beyond legal capability, the *IMI* program also prioritized cultural responsiveness by integrating Inuit legal traditions, further deepening its impact. As Inuuqatigiit staff noted, "generationally, there are not that many opportunities for Elders to share space and stories and experience with this generation of youth".[158] The program provided a platform for Elders to share their legal knowledge and experience directly with the youth, helping to address the lack of opportunities for meaningful intergenerational connections in the city. As one of the YLT asserted, incorporating Elders' teachings and Inuit principles into the program was "the whole point".[159]

When reflecting on the integration of Inuit law and Elders' teachings, DD explained, "it was very, very important because we needed the Elders… to give their input as well because with different generations, it is important to communicate and support each other".[160] LL shared how they were raised to follow *IQ* principles, observing, "I can see better with Inuit principles…a lot of the youth don't follow the *IQ* principles, which surprises me".[161] GG contrasted the *IMI* program experience with learning about Indigenous history in high school, explaining, "the [non-Indigenous] teachers were teaching me my culture. They were teaching me dream catchers. That makes no sense for them to be teaching that".[162] GG added, "OJEN wasn't trying to be like 'oh, we are helping the Inuit' type of thing…no, it was completely different."[163]

When asked about what the youth gained from the *IMI* program, DD responded, "they got the joy of knowing their rights and knowing the

155 Jaczek, "Interview with YLT #3", *supra* note 2.
156 *Ibid.*
157 Jaczek, "Interview with YLT #3", *supra* note 2.
158 Jaczek, "Interview with Staff #2", *supra* note 92.
159 Jaczek, "Interview with YLT #3", *supra* note 2.
160 Jaczek, "Interview with YLT #1", *supra* note 61.
161 Jaczek, "Interview with YLT #2", *supra* note 108.
162 Jaczek, "Interview with YLT #3", *supra* note 2.
163 *Ibid.*

supports with the justice system…like the systems and organizations".[164] Through their experience co-leading the program, the YLT noted that they gained confidence, leadership, youth engagement skills, communication, and facilitation skills. And when asked what the most meaningful part of the program was, GG concluded, "how everything, in the end, worked out. Everyone together came and did their part".[165] These reflections not only illustrate the transformative impact of the *IMI* program but also provide critical insights for re-imagining PLE initiatives across Canada.

V. *IMI*'S LESSONS FOR TRANSFORMATIVE PLE PRACTICES

The *IMI* program offers a valuable case study for the Canadian PLE community, demonstrating how pluralist legal orders, alternative conceptions of justice, Indigenous societal values, and community engagement can contribute to a more inclusive approach to PLE rooted in decolonial principles. Its success highlights the relevance of these principles, which can be applied more broadly to PLE initiatives across Canada. By centring Indigenous perspectives and pluralist legal orders, *IMI* exemplifies a critical pedagogical approach that questions who defines knowledge, whose law counts, and how learning is structured in PLE.

For the *IMI* program, one of the most revealing tensions emerged around evaluation: both as a set of internal reflective practices and as a set of funder-imposed requirements.[166] Western approaches to evaluation prioritize standardized outcomes and measurable efficiencies—"bums in seats", implementation timeline, survey data, *etc.*—which often bear little resemblance to communities' own understandings of wellness and holistic results.[167] Funders required *IMI* to report "challenges" and "successes" within these categories, yet what may have looked like "challenges"—time spent building trust, refusal to push intrusive surveys on youth, and resistance to replication—were, in fact, markers of success when seen through

164 Jaczek, "Interview with YLT #1", *supra* note 61.

165 Jaczek, "Interview with YLT #3", *supra* note 2.

166 By "evaluation", I refer primarily to funder-imposed metrics, which often overlap with, but are not identical to, the internal evaluative practices PLE providers develop for themselves.

167 Canada, Department of Justice, *Exploring Indigenous Approaches to Evolution and Research in the Context of Victim Services and Supports*, by Jane Evans et al (Ottawa: Department of Justice, 2020) at 4.

community priorities.[168] This central tension illustrates a broader problem: colonial evaluation logics reward efficiency, scale, and measurability, while Indigenous approaches emphasize process, time, and relationships as key to meaningful outcomes.[169]

A. Rethinking "Success" Beyond Standard Metrics

Colonized approaches to programming use a benchmark for success that "is defined by the dominant culture – this is the language and culture of power."[170] In this way, "success" is measured in terms of efficiency and outputs: how many people attended, how many workshops were delivered, how closely participants' survey responses match a pre-set list of legal knowledge indicators. Anything that falls outside these standardized benchmarks — such as relational outcomes, process-oriented achievements, or unique community-driven priorities — is devalued and often cited as a reason why conventional metrics were unmet in reporting questions like "What challenges did you encounter?"[171]

The *IMI* program revealed the limitations of this approach. For example, we received no completed post-program surveys from youth. We felt that imposing a written, test-like, multiple-choice-instrument at the end of the final session — which had evolved into a celebratory gathering in the kitchen — would have been inappropriate. It would have been yet another form of colonial intrusion into their happy space. This left us without quantitative data to demonstrate "how much" legal capability had increased, and "what number, on a scale of one to ten" the youth felt more comfortable with "Justice Sector Professionals".[172]

Standard metrics also overlooked critical dimensions of the program: there was no row in the spreadsheet for number of legal orders engaged,

168 Andrea Johnston, "Evaluation from a Place of Reconciliation" in Canada, Department of Justice, *Exploring Indigenous Approaches to Evaluation and Research in the Context of Victim Services and Supports*, by Jane Evans et al (Ottawa: Department of Justice Canada, 2020) at 32.

169 See generally *ibid*.

170 Sharon Gollan & Kathleen Stacey, *First Nations Cultural Safety Framework* (Melbourne: Australian Evaluation Society, 2021) at 10.

171 Ruth McCausland, "'I'm sorry but I can't take a photo of someone's capacity being built': Reflections on evaluation of Indigenous policy and programmes" (2019) 19:2 Evaluation J Australasia 64 at 69.

172 We did achieve a consistently high number of participants, or "bums in seats" as one reviewer put it, throughout the program lifespan, notwithstanding a blizzard, which trapped us in the Youth Building during one session, and a "soccer" night, which conflicted with another session.

number of meals shared, or ways state-centred legal learning may disrupt community cohesion. As Andrea Johnston notes, "Indigenous communities are very concerned with process and less interested in documenting outcomes", a central tenet of Indigenous systems of justice and governance.[173] Inuuqatigiit staff echoed this, explaining that a focus on outcomes can obscure "the value of the process".[174]

In practice, *IMI*'s most meaningful indicators of success were defined relationally: the fact that "the youth kept coming back, week after week, and so did the Elders".[175] As one Inuuqatigiit staff member later recounted, "many of the youth were asking when the next session was happening and I had to tell them it was over". They explained that for the urban Inuit community, that was "a very good sign".[176] A very meaningful thought, but one that does not translate very well into an excel spreadsheet.

For PLE providers, the *IMI* experience suggests the need to shift from rigid, standardized metrics, towards community-driven, trauma-informed, contextually grounded processes, which "recognize that meanings of 'success' are self-determined."[177] Reorienting evaluation in this way not only makes programs more accountable to communities but also begins to unsettle the colonial logics that shape what "counts" as success in the first place.[178] Beyond evaluation metrics, these same colonial logics of efficiency and standardization also shaped funder expectations around program design and delivery.

B. Reclaiming Time and Process Over Replication

For the *IMI* program, another central tension emerged around time, which conventional PLE models tend to treat as a resource to be managed "efficiently".[179] It was common, at *IMI*, to spend the first hour of a two-hour

173 Johnston, *supra* note 168 at 39.

174 Jaczek, "Interview with Staff #2", *supra* note 92.

175 HH, Inuuqatigiit Staff, "Interview with Staff #1" (12 January 2024) via oral communication over Zoom [communicated to author].

176 *Ibid.*

177 Bremner, *supra* note 5 at 22.

178 Gladys Rowe, "Reflecting on Indigenous Evaluation Frameworks" in Canada, Department of Justice, *Exploring Indigenous Approaches to Evolution and Research in the Context of Victim Services and Supports*, by Jane Evans et al (Ottawa: Department of Justice, 2020) at 48.

179 Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations, and Contexts* (Toronto: University of Toronto Press, 2009) ("[g]iven the egregious past research practices in Indigenous communities, earning trust is critical and may take time, upsetting the efficiency variable or research timelines" at 98).

program planning meeting sharing a meal with the YLT, chatting about life, and getting comfortable with each other. As DD reflected, by the end of the summer, they "definitely felt very welcome…and it was just a comfortable and fun environment to have the meetings".[180] What might have been completed in two months in another context took eight months for the *IMI* program. As Ruth McCausland notes, building trust, solidifying relationships, and creating meaningful programming does "not fit neatly into government funding cycles."[181] Inuuqatigiit staff emphasized that program development "can't be rushed", and the success of the program hinged on "trust building [that took] a restorative justice approach–that was organic and unique".[182]

Yet, these relational, time-intensive practices often conflict with conventional PLE models rooted in funder expectations. Funders also frequently emphasize replicability—through lesson plan templates, standardized handouts, and efficiency-driven benchmarks—treating programs as "products" to be mass produced.[183] This drive toward standardization speaks to commodification and overlooks differences in culture, worldview, and the unique needs of each community.[184] From the funder's perspective, *IMI*'s lack of replication materials and longer-than-expected program planning time presented additional "challenges". Inuuqatigiit staff reminded OJEN that it would be impossible to "replicate the framework, even if we did it with the same people and the same space, it would be a 'different living space'".[185] At Inuuqatigiit, it was clear that a replicated PLE program could not "still be in line with Indigenous views of justice".[186]

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180 Jaczek, "Interview with YLT #1", *supra* note 61.

181 McCausland, *supra* note 171 at 69.

182 Jaczek, "Interview with Staff #2", *supra* note 92; The work of John Braithwaite frames restorative justice as "a process where all the stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and to decide what should be done to repair the harm" (see John Braithwaite, "Restorative Justice and De-Professionalism" (2004) 13:1 Good Society 28 at 28); Alternatively, Carrie Menkel-Meadow explains that restorative justice "hopes to harness the commission of wrongful acts to the making of new opportunities for personal, communal, and societal growth and transformation through empowerment of both victims and offenders in direct and authentic dialogue and recognition" (see Carrie Menkel-Meadow, "Restorative Justice: What Is It and Does It Work?" (2007) 3:1 Annual Rev L & Soc Science 161 at 164).

183 Luis Arboledas-Lérida, "The Role of Competitive Project-Based Funding in the Commodification of Academic Research: A Marxist Analysis" (2024) 50(4-5) Critical Sociology 845 at 856.

184 Rowe, *supra* note 178 at 52.

185 Jaczek, "Interview with Staff #2", *supra* note 92.

186 *Ibid.*

From a decolonial perspective, then, what funders may have seen as "inefficiency" or "challenges", were, in reality, markers of the *IMI* program's success. Ultimately, decolonizing PLE using a critical, legally pluralist framework requires rejecting efficiency-driven models of replication and instead making space for the slow, relational, and respectful processes of individual program design, development, and evaluation. These are approaches that many communities, particularly those with a history of harmful experiences with the justice system like Inuit, identify as essential to meaningful legal empowerment.[187]

C. Centring Critique and Community in *IMI* Program Design

Both conventional PLE models and decolonizing approaches share the goal of empowering communities to engage with the law in meaningful ways. Insights from the *IMI* program are not a rejection of existing practices but an invitation to expand on them. By integrating critical, pluralist, and decolonial principles — such as valuing process, prioritizing trust-building, and embracing youth and community-led approaches — PLE initiatives can become more inclusive and impactful. These principles, rooted in Indigenous traditions, emphasize relationality, long-term engagement, and the importance of collective empowerment, making them highly relevant across diverse communities.[188]

Indigenous approaches to policy, programming, and evaluation offer critical insights. Yet, many PLE providers face significant constraints, including limited resources, institutional pressures, and reliance on government partnerships. These constraints stifle innovation and reinforce state-sanctioned legal education models, which emphasize individual legal problem-solving over collective or structural change.[189] Resources like Level's *Indigenous Youth Justice Toolkit* and People's Law School's "Help Dismantle Systemic Discrimination" factsheet are steps in the right direction but remain limited in scope and reach.[190] To expand on these efforts,

187 See Bremner, *supra* note 5 at 16.

188 Rowe, *supra* note 178 at 59.

189 Ruth Wilson Gilmore, "In the Shadow of the Shadow State" in INCITE!, ed, *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex* (Durham: Duke University Press, 2017) at 46.

190 Level, *Indigenous Youth Justice Toolkit* (Level, 2018), online: <leveljustice.org/resources>; People's Law School, "Help dismantle systemic discrimination" (last modified June 2023), online: <peopleslawschool.ca/dismantle-systemic-discrimination>. See also Street Law & Library of Congress, "Resistance, Resilience, and Reconciliation: An Inquiry Pack to

PLE providers must consult with the community at every stage, designing culturally responsive programs in trusted community spaces. Incorporating traditional practices such as shared meals, engaging in cultural activities, and involving community Elders as experts can shift power dynamics, allowing community values to stand alongside common law.

Decolonizing PLE requires a shift away from simply equipping individuals with tools to navigate state-centred legal frameworks. Instead, we must critically examine the limitations of these frameworks to deliver equitable justice. To move forward, PLE providers should explore Indigenous-centred metrics in funding models, measuring positive cultural responsiveness, community wellbeing, realistic timeframes, and long-term, transformative community control over programming.[191] Such funding structures would provide the necessary support for more critical, participatory, pluralist PLE initiatives, ensuring that programs remain relevant and sustainable in marginalized communities. This is not just an opportunity for incremental improvement, but a chance for a paradigm shift that involves reshaping PLE delivery, centring cultural justice, equity, and community-led transformation — offering a model for how PLE can be fundamentally reimagined.

VI. CONCLUSION

Inuit in Canada have endured colonization and state interventions that have deeply disrupted their social, political, and legal systems. Yet, Inuit cultural resilience continues to thrive. As many Inuit migrate south to urban centres seeking better opportunities, the clash between traditional Inuit culture and the demands of urban life leads to challenges navigating a legal system that often feels foreign and disconnected from their values. Learning to live within the boundaries of Canadian law can be complex and culturally disorienting, particularly when the system fails to recognize Inuit law or societal values as valid legal principles. For urban Inuit youth, this alienation from both their own legal traditions and the colonial justice system foregrounds the need for a transformative approach to PLE.

Accompany LegalTimelines.org" (last modified 26 September 2025), online: <legaltimelines.org/timeline/native-american-history/#event-native-american-legal-history>; West Coast LEAF, "Our intentions and values for public legal education and information" (2 June 2023), online: <westcoastleaf.org/our-intentions-and-values-for-public-legal-education-and-information/>.

191 McCausland, *supra* note 171 at 72–73.

The *IMI* program demonstrates a collaborative, dialogue-based, critical legal pluralist approach to PLE. By centring youth voices and non-state legal traditions, *IMI* demonstrates how PLE can be reimagined to advance a decolonizing orientation in legal education. This process was central to the program, as the YLT emphasized throughout its design and development phases. As GG observed, "[OJEN was] actually engaged and wanting to learn and not like 'oh, I am helping these Inuit people and I am a white saviour'".[192] The *IMI* program attempted to build in a "non-oppressive, decolonised form of legal pluralism", where Inuit cultural traditions, community engagement, and youth empowerment were at the forefront.[193]

By decentring the common law and prioritizing Inuit legal traditions, the *IMI* program offered a more inclusive understanding of culturally responsive legal capability—one that respected both Inuit and Western legal systems, while empowering youth to navigate their urban Ottawa realities. This case study exemplifies how such approaches can integrate diverse legal traditions, challenge systemic inequalities, and strengthen youth empowerment. Ultimately, meaningful transformation in PLE demands a radical break from traditional, top-down legal frameworks, shifting towards approaches rooted in community-defined collective empowerment that reimagines justice from the ground up.

192 Jaczek, "Interview with YLT #3", *supra* note 2.

193 Napoleon, "Legal Pluralism", *supra* note 71 at 7.