

Touching Spirit Bear

The Novel Study



Credits

Version 1.0 (2008)

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Touching Spirit Bear Novel Study

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Preface by Ben Mikaelson

Sentencing Circles, Restorative Justice, Circle Justice, whatever people wish to call it, boils down to the same thing: Healing. For years, modern civilizations have insisted on treating aberrant and destructive behavior in society with punishment, depending on fear as a deterrent. Sentencing Circles use a completely different paradigm. If we think of all people as fellow travelers on a wonderful but frightening journey through life, it is easier to look at destructive behavior as a sign that one of those travelers has become lost or confused on their journey. It is important to realize that under the right conditions, any one of us could become that lost traveler. What is important is to find a way to return a lost traveler to a path that will allow them to continue on a wholesome and wonderful journey. That path is one of healing.

My own past found me as one of those lost travelers. In retrospect, I would have given anything to have been introduced to Sentencing Circles early on during my “being lost.” It would have changed my life as I knew it to have read a book such as *Touching Spirit Bear* or had a chance to have a novel study such as this one to help me work through my own anger. A lifetime of struggle brought to me an understanding and awareness of the lessons defined so wonderfully on the pages ahead. For me the catalyst that finally brought me to the writing of *Touching Spirit Bear* was the day when I turned the TV on and I heard those ominous words, “This morning in Littleton, Colorado, at a high school called Columbine.” And, of course, that was the morning when two high school boys in the United States, Eric Harris and Dylan Klebold, who had been bullied themselves, became lost on their journey. That day, they killed twelve students and one teacher, and wounded twenty-three other students before committing suicide themselves. All of this because of mankind’s ability to be cruel and because two boys could not find a way to deal with their anger.

It is my sincere and profound wish that *Touching Spirit Bear* and this novel study become useful tools to help students discover tolerance, forgiveness and kindness. I hope they will help students who are feeling lost to find their way back to a path where they can once again join that wonderful journey called life.

Fair thee well, fellow travelers,

Ben Mikaelson



Introduction

As traditional Aboriginal justice concepts move to the forefront of public consciousness, Ben Mikaelson's *Touching Spirit Bear* offers a timely account of Cole Matthews, a troubled 15-year-old boy who finds himself banished by a sentencing circle to a remote Alaskan island. Created for use with *Touching Spirit Bear*, this novel study examines sentencing circles, traditional Aboriginal justice, and the *Youth Criminal Justice Act*.

This novel study is organized into five sections, with appropriate prereading vocabulary, post-reading questions, writing assignments, and activities that examine the novel, traditional Aboriginal justice, and youth and the law. Where necessary, teacher background information and lesson plans are included to help the English Language Arts teacher bridge concepts about the law to the objectives of their English classroom.

Section One contains prereading activities that introduce students to traditional Aboriginal justice concepts and make students think about why we have laws.

Section Two begins the study of the novel while also introducing some of the principles of the *Youth Criminal Justice Act* in its supporting activities. Section Two covers Chapters 1 – 6.

Section Three explores Cole's first experience with banishment. Supporting activities blend the first two sections' activities by having students compare the traditional Aboriginal concept of banishment to the Eurocentric concept of custody. Section Three covers Chapters 7 – 13.

Section Four examines Cole's second attempt at rehabilitation through banishment. Supporting activities examine youth records under the *Youth Criminal Justice Act* and broaden the legal scope of the novel study by exploring victims' issues. Section Four covers Chapters 14 – 24.

Section Five closes off the study of the novel and allows students to come full circle with a role-playing sentencing circle activity. Section Five covers Chapters 25 – 28.

Because this is an American book, it should be noted that there are fundamental differences between Canadian and American law. This novel study clarifies those differences. Supporting activities point out where the *Youth Criminal Justice Act* differs from America's justice system, in both terminology and function. For example, in Canada, Circle Justice is referred to as Sentencing Circles, youth cannot be tried as an adult under the *Youth Criminal Justice Act*, and Canada has yet to use banishment as a punishment for a young person under the *Youth Criminal Justice Act*.

As no one novel study can meet the needs of every classroom, and this novel study heavily focuses on traditional Aboriginal justice concepts and the *Youth Criminal Justice Act*, teachers



are encouraged to incorporate some of the growing numbers of outside resources into their study of *Touching Spirit Bear*. One such resource is the *Touching Spirit Bear Novel Study* created by the Regional Vancouver Island Aboriginal Circle with the help of the Aboriginal Education Branch at the British Columbia Ministry of Education. It can be found at www.sd79.bc.ca/programs/abed/FN_resource_Touching_Spirit_Bear.pdf. For further insight, teachers may also be interested in visiting Ben Mikaelson's website, at www.benmikaelsen.com.

Teachers who wish to further explore the concepts of the *Youth Criminal Justice Act* or other areas of youth and the law, and traditional Aboriginal justice concepts should check out the resources available for educators, parents, and students on PLEA's website, at www.plea.org.



Section One: Prereading Activities



Prereading Activity One: Where Do Laws Come From?

Aboriginal cultures share a belief that people must live in respectful harmonious relationships with Nature, with one another and with themselves. The relationships are governed by what are understood as laws, which are gifts from the Creator. The laws are fundamentally spiritual, imbuing all aspects of life. As fundamental as this perspective may be, each Aboriginal culture expresses it in its unique ways, with its own practices, products and knowledge.

Voices of the Elders, June 2000, Western Canadian Protocol Framework for Aboriginal Language and Culture Programs

- Objective:** Students will explore different sources of laws in both Aboriginal and Western traditions.
- Method:** Discussion, Charting
- Materials:** Background Information, Chart, Examples

Teacher Background Information

Looking at the sources of laws will help young people understand some of the differences and similarities between Aboriginal and Western concepts about justice. In Canada laws are made by governments. Governments have the right to make laws because they are chosen by the people of Canada. Governments do not just have the right to make any laws; they must use laws to govern people. This is what makes the government different than a dictator or a king or queen. The government cannot just require people to do things on a whim. The government must go through the steps necessary to pass a law. Once the law is passed, everyone, including the government, must obey the law. Canadian laws then represent the wishes of the people, through their elected representatives.

Different societies and even the people within the same society view laws as coming from different sources. What a society considers the source or sources of laws is influenced by that society's worldview. A society may view laws as coming from a higher power, such as God or the Creator. A society may view laws as reflecting the laws of nature. A society may view laws as coming from customs or practices that over time have come to be considered laws.

The idea that laws are made by people is in keeping with the Western view of people's place in the world. Western societies often view people as ruling over other things in the world such as nature, plants and animals. An example of this is the belief that the world was created by God for humans. In contrast, from an Aboriginal worldview humans are the least powerful and least important factor in creation. There is a hierarchy based on dependencies. Mother Earth is first since everything and everyone depends on the earth for survival. The plant order is next since the animal world needs the plant world to survive. After that comes the animal order. Humans are the last order. The animal order has taught humans how to hunt, what is good to eat and how to survive the cold.

The idea that laws are made by people can also be found in an Aboriginal view of law, although the people that traditionally created Aboriginal law were not people in power, such as governments. Aboriginal laws developed and evolved to meet the needs of the communities and their members. They reflect the principles and values of the particular peoples they govern. Sometimes these laws are called customary laws. Custom is what people do. Customary law is not made by people in power. It is made by people as a whole and is a reflection of commonly-held ideas of right and wrong, values and moral principles.

Both Aboriginal and Western traditions also see laws as coming from nature and from a higher power. In the Aboriginal tradition law comes from the Creator and is observable in nature. The Western view of law also sees laws as coming from both nature and God. For example the Ten Commandments can be seen as the source of laws against murder, theft and perjury (lying in court under oath). The idea of natural law also exists in the Western tradition. According to natural law the fundamental principles of all laws come from nature or from a supreme being, not from creation of human societies. The idea that there are natural rights of all humans can be seen in the United States Declaration of Independence. This declaration states that "all men are created equal" and that they are "endowed by their creator with certain unalienable rights."

Procedure

1. Share the information on where laws come from with the students.
2. Display the *Sources of Law Chart* by using an overhead or drawing it on the board. Alternatively, students could be given copies of the chart.
3. Go over the examples provided.
4. Once students understand the concept have them fill in the rest of the chart by identifying the possible sources for the laws or rules listed. Encourage students to consider as many different sources for the rules or laws as they can think of but let them know that some rules or laws will have more possible sources than others.



Sources of Law Chart

Examples:

| Law or Rule | Supreme Being | Nature | Custom | Government |
|--|--|--|--|---|
| No hitting or pushing allowed in school | golden rule – treat others as you would like to be treated | ants working co-operatively for the good of the colony | settling disagreements peacefully for the good of all | laws against assault |
| You to be home by 10 pm | honour thy mother and father - one of the Ten Commandments | young dependent on parents to learn how to survive | parents being responsible for looking after their children | curfew laws, laws giving parents rights and responsibilities towards their children |
| No stealing allowed | | | | |
| Kids are not allowed to smoke cigarettes | | | | |
| Kids have to go to school | | | | |
| You cannot be married to more than one person at a time | | | | |



Prereading Activity Two: Right, Wrong, and Law

- Objective:** Students will learn about universal concepts of right and wrong, how ideas about right and wrong have led to the creation of laws and the relationship between doing what is right and doing what is required by law.
- Method:** Reading, Questions, Writing Assignment, Class Discussion
- Materials:** Background Information, Handout, Questions, Traffic Lights Example

Teacher Background Information

Understanding the relationship between right and wrong and the law will help young people see that justice is not based on arbitrary ideas about right and wrong. Laws reflect a society's most deeply held beliefs. Laws let people know what their society considers acceptable and unacceptable behaviour. What is forbidden in one society may be allowed in another society but almost all societies share some common beliefs about what is right and wrong.

Professor James Youngblood Henderson (Director of the Native Law Centre at the University of Saskatchewan) pointed this out in a 1999 address to a convention of Canadian judges. He spoke about Aboriginal concepts of justice and Western concepts of justice and noted that there is "no real cultural conflict as to the definition of [many] criminal behaviours" as "theft, assault causing injury, sexual abuse [and] domestic violence" all "violate contemporary and traditional Aboriginal norms just as surely as they violate non-Aboriginal norms."

An example of a commonly held belief about what is right and wrong is what is sometimes called the "golden rule". This rule requires that we treat others as we would like to be treated. This rule can be found in the teachings of many cultures and religions of the world. One of the Ten Commandments (believed to have been given by God to Moses) is "love thy neighbour as yourself." The Bible reports Jesus as saying "Do unto others as you would have them do unto you." Muhammad requires followers to "Hurt no one so that no one may hurt you." The teaching of Confucius states "What you do not wish upon yourself, extend not to others."

Societies use the idea of right and wrong to prevent people from doing things that harm or could harm others or themselves. How ideas about right and wrong developed in an Aboriginal society by considering the consequences of actions can be seen in the following passage:

Some happening came to the people. The result was good and fortunate. "This is right," said the Wise Men. "This shall be embodied in a new law so that good fortune may be still more assured to our People." And when misfortune came these Wise Men delved deeply to find its cause.

At last, satisfied they had learned that which they had sought for, they said, "The action that lies at the root of this difficulty is wrong. Our peoples must be protected in the future that the same error may not be committed again. We make a new law forbidding that action."

So grew the Code. So were the children instructed in the ways of Right and Wrong. So generation followed generation, each one more vigorous, more prosperous.

[Will Robinson, as told by Walter Wright (1962). *Men of Medeek*, 2nd ed. Kitimat: Northern Sentinel Press quoted in Law Commission of Canada. (2006) *Justice Within: Indigenous Legal Traditions*. Ottawa: Government of Canada]

Procedure

1. Distribute *What You Do When No One Is Around*.
2. Use the following questions to guide a class discussion or as topics for a writing assignment...
 - What would you do or not do if you could get away with it? Why would you do it or not do it?
 - Can you think of situations where it would be right to break the law? (idea of civil disobedience for example Gandhi, Martin Luther King or others.)
 - What are some of the benefits of relying on the law to tell you how to act? (provides consistency, gives people protection from others who may not think some kinds of harming others is wrong)
 - What are some of the drawbacks of relying on the law to tell you how to act? (possibility that lawmakers might use laws in ways that harm people, such as Hitler's laws or laws about Apartheid in South Africa, people only obeying the law when someone is around to enforce it)
3. Students may be interested in a traffic lights and road safety experiment that is taking place in the northern Dutch town of Drachten. They removed many of the traffic lights. Before the traffic lights were removed there was a road accident death every three years but there have been none since the removal started seven years ago. The traffic planner explains how having no lights actually makes it safer by noting that "it shifts the emphasis away from the Government taking the risk, to the driver being responsible for his or her own risk."



What You Do When No One Is Around

Laws let us know what is considered right and wrong by society, but should we rely on laws and the consequences for breaking them to guide our behaviour? Aboriginal societies did not traditionally rely on laws imposed by authority and punishments for breaking those laws to guide people's behaviour.

There is great diversity among Aboriginal peoples but there are some common elements. Customary Aboriginal laws are not something that people are forced to obey or face punishment. Customary laws are made to help people know and live by their community's ideas about duty and responsibility. The "good life" or a "good mind" often has the same meaning as law. Customary Aboriginal law is all the social mechanisms that teach people from birth to death how to live a good life. This idea was expressed by a Cree Elder when he compared Canadian laws to Aboriginal law and asked "Why do your laws...speak only about what people should do? Why don't your laws speak to people about what they should *be*?" The Cree concept of *Miyo-wicetowin* requires Cree peoples to conduct themselves in a way that creates good in all relationships.

Every person must find for themselves the "good mind" that allows them to know Aboriginal law and comply with it. Reaching the "good mind" requires an understanding of the wisdom that the community has gained through the ages. Because this wisdom is not written down anywhere, this knowledge is often gained from Elders. The role of Elders sometimes varies but generally consists of helping people, individually and collectively, to gain knowledge of the history, traditions, customs, values and beliefs of the community. They are respected for their wisdom and experience and being able to advise people about what to do in difficult situations.

In Aboriginal law there is a respect for individual independence. People are encouraged to make their own decisions and accept responsibility for them even at an early age. Stories are used because the listener is free to understand in their own way and act on it or not.



Section Two: Chapters 1-6



Prereading Vocabulary

Instructions: Use the context clues in the following sentences to determine the meaning of the underlined words.

The probation officer was concerned that Billy would steal a skiff from the harbour.

- | | |
|----------------------|---|
| 1. probation officer | a) person monitoring convicted criminals who are out of custody |
| | b) guard or nightwatchman |
| | c) police officer in plain clothes |
| 2. skiff | a) a lamp |
| | b) a flat-bottomed boat |
| | c) a small car |

The kidnapper's detainees were cowering in the corner of the locked room, afraid of him.

- | | |
|--------------|---|
| 3. detainees | a) accomplices |
| | b) victims |
| | c) prisoners |
| 4. cowering | a) crouching from something frightening |
| | b) humming |
| | c) following along |

The prosecutor for the court case believed that there should be an immediate sentencing for the crime.

- | | |
|---------------|--|
| 5. prosecutor | a) the representative of the government who pursues formal charges against the accused |
| | b) the lawyer who defends an accused criminal in court |
| | c) the judge who makes a decision on whether a person is innocent or guilty |
| 6. sentencing | a) a hearing to determine if an individual is innocent or guilty |
| | b) a hearing to determine consequences for a crime |
| | c) a hearing to determine if an individual should be released from prison |



Handout

Prereading Vocabulary...continued

The tight handcuffs chafed against the wrists of the criminal when he was brought into court to plead to the charges against him.

7. chafed
- a) to cut
 - b) to tickle
 - c) to rub and irritate

8. plead
- a) to deny any wrongdoing
 - b) to claim guilt or innocence in a court
 - c) to hire a lawyer

The juvenile delinquent had trouble breathing in the stifling heat of his prison cell.

9. juvenile delinquent*¹
- a) a young person in trouble with the law
 - b) a young person who is frequently late
 - c) a young person who is short for their age
10. stifling
- a) humid
 - b) suffocating
 - c) dry

Tim was so tired he was not conscious of the deadfall as he walked through the forest.

11. conscious
- a) careful of
 - b) having an interested in
 - c) aware of
12. deadfall
- a) cool weather
 - b) tangled, fallen trees and branches
 - c) pine-like odour

The billowy clouds of smoke from the campfire shrouded the view of the mountains.

13. billowy
- a) rolling wave or mass
 - b) light-coloured or clear
 - c) slow-moving
14. shrouded
- a) enhanced
 - b) revealed
 - c) concealed



Prereading Vocabulary...continued

The over-confident teen stood unflinching when the charges against him were read during his arraignment hearing.

- | | |
|---------------------------|--|
| 15. unflinching | a) confused and afraid b) timid and shaking c) steady and unafraid |
| 16. arraignment hearing*2 | a) the final stage of a trial where a punishment is determined b) the first stage of a trial where the accused makes a plea c) a hearing where the crown (government) decides whether or not to charge the person with a crime |

Because it was a sunny afternoon, the lawyer moseyed to the courthouse to bring depositions from his client.

- | | |
|-------------------|---|
| 17. moseyed | a) moving in a slow or leisurely way b) moving in a hurried or rushed way c) moving with a limp |
| 18. depositions*3 | a) testimony taken down in writing b) handcuffs c) DNA samples |

Concerned about his friends' fleeting loyalties, the gang member brandished his gun in front of them to try to gain their respect.

- | | |
|----------------|---|
| 19. fleeting | a) firm or secure b) drifting or fading away c) quick-running |
| 20. brandished | a) wave or exhibit in an intimidating manner b) polish c) hide away |

*1 In Canada, the term juvenile delinquent is not used in the legal system. Instead, the term commonly used is "youth offender."

*2 The Canadian court system does not use the term "arraignment hearing." Instead, the term used is "first appearance."

*3 The term deposition is not used in the Canadian legal system. Instead, the term "affidavit" is used.



Handout

Chapter Questions

Chapter 1

1. Where is Cole being sent, and why is he being sent there?
2. How does Cole feel about banishment as a punishment?
3. How does Cole view adults and authority? Cite examples from the book.
4. Garvey, the youth probation officer, introduces Cole to the concept of Circle Justice. Briefly describe what Circle Justice is.
5. Why does Garvey state “Something terrible has happened to you to make you want to kill a poor small animal”? Do you agree or disagree with this statement? Why or why not.

Chapter 2

1. Garvey tells Cole that “You figure if I’m scared of you, you can trust me.” What does he mean by this? Do you agree or disagree with this statement?
2. What are some of the advice and warnings Edwin gives Cole for surviving the island?
3. Spirit Bear is introduced in Chapter Two. Describe this bear.
4. Is there any significance in the fact that Spirit Bear is a pure white black bear?
5. What does Cole say he would do to Spirit Bear? What does Edwin tell him?
6. What does Garvey leave with Cole? What must he do with it?
7. Do you think Garvey agreed to be Cole’s sponsor for the Circle because Cole genuinely had changed? Why or why not?
8. What does Cole do to his shelter at the end of the chapter? Why do you think he did this?

Chapter 3

1. How does Garvey convince Cole to eat the groceries?
2. Think back to Garvey’s statement in the first chapter that “Something terrible has happened to you to make you want to kill a poor, small animal.” Then look at the list of the “ingredients” of Cole’s life on page 31. How do these connect?
3. Describe Cole’s plan to escape the island. Do you think he will be successful?
4. Who is allowed to be at Cole’s Circle?
5. Why is it important for Peter to forgive Cole?



Chapter 4

1. Why is it significant that Cole gives a threatening look to Peter at the beginning of the Circle?
2. According to the Keeper, what is the point of the Circle, and why does regular justice often fail?
3. Do you think that everybody who is present at the Circle has a sincere reason for being there? Do you think that there are people who don't want to be there?

Chapter 5

1. For the first time, Cole admits that he made a mistake. What was this mistake?
2. Describe Cole's first encounter with what appears to be Spirit Bear.
3. Review the four comments made about Cole at the Circle on page 46. Which comments do you agree with? Which ones do you disagree with? Justify your answer.

Chapter 6

1. What does Cole accuse his father of in the Circle? How does his father respond?
2. Why do you think Cole's mother did not tell the Circle how his father would beat up on him?
3. When the Keeper asks Peter what needs to be done to make things better, he responds by saying "I think someone should smash Cole's head against a sidewalk so he knows how it feels." Do you think Cole already knows how this might feel? Why or why not?
4. When leaving the Circle, in reference to his father Cole asks Garvey "Did you hear him lie tonight?" Garvey responds "He wasn't the only one." To whom is Garvey referring?
5. Cole reformulates his plans for leaving the island. How will he try his next escape?
6. Garvey discusses some of the reasons that isolation works to help heal a criminal. What are these reasons?
7. Outline what will happen to Cole after the banishment is over.



Activity One

Cole – A Character Profile

Instructions: Complete both of the following writing activities.

Part A

A character profile is a multi-paragraph profile of an individual. It should include details of a character's age and appearance, their personality, and their past.

Write a character profile of Cole. In addition to the above points, you may wish to discuss what you believe to be Cole's strengths and weaknesses, describe his behaviour towards other characters, and how other characters in the book feel about him.

It is important to include evidence from the book that proves what you are saying about Cole.

You may want to conclude by giving your opinion of Cole, and justifying why you feel that way.

Part B

Research and write a summary of the current trends in characteristics of young people who commit crimes. Areas to examine could include...

- the most common offences committed by young people
- the age most likely for a young person to be when they commit a crime
- the types of crimes committed by repeat offenders
- the most common consequences for young people who commit crimes
- any other areas you deem important

Is there such thing as a "typical" young person who commits crime? If so, does Cole fit these characteristics? Why or why not?



Activity Two

Cole's Crime – A Newspaper Report

On page 9 of *Touching Spirit Bear*, the reader is told that Cole might be tried as an adult. In such American cases, the youth is put through an adult court system. In Canada, youth are not dealt with in the adult court system, although it is possible for a youth to receive an adult sentence for their crime. But even if a youth is being considered for an adult sentence, they are still provided the protections of the *Youth Criminal Justice Act* (YCJA).

One of these protections supplied for minors under the YCJA is that, in most cases that come under it, the identity of a young person cannot be publicized in the media. Only on rare occasions will the YCJA allow the publication of a youth's name.

The YCJA currently says that if a youth receives an adult sentence their name can be published. If a youth is convicted of an offence that relates to murder, attempted murder, manslaughter, aggravated sexual assault, or a series of serious violent offences, and an adult sentence was considered, their name can be published even if they receive a youth sentence. When a youth sentence is given in these circumstances the youth's name will not always be published. The young person or the prosecutor can ask the court to order a ban and the court then has to decide whether or not to do so, taking into account the importance of rehabilitating the young person and the public interest.

The Supreme Court has considered whether these parts of the YCJA, dealing with publication of minor's names, violate the *Canadian Charter of Rights and Freedoms*. The Charter ensures that the fundamental rights and freedoms of Canadian citizens are upheld whenever a government passes a law, takes action, or makes a decision. Because the actions of the government are subject to the standards established in the Charter, it is recognized as the supreme law of our country. This means that a court can strike down a law or parts of a law if the court finds that the law violates a Charter right.

When examining the publication of youth's names, the Supreme Court of Canada found that lifting a publication ban makes the sentence more severe because it makes the young person vulnerable to greater psychological and social stress. Because publication makes the sentence more severe, the Court then found that it is up to the Crown to show why this publication is justified. The Court found that requiring the Crown to prove beyond a reasonable doubt that a harsher sentence is warranted is a fundamental principle of justice similar to how the Crown must prove beyond a reasonable doubt that the accused committed the crime.

The Supreme Court noted that the publication of a young person's name...

- increases youth's self-perception as an offender
- disrupts the family's abilities to provide support
- negatively affects interactions with peers, teachers and the community
- stigmatizes and labels the young person which can damage the offender's developing self-image and his sense of self-worth

Activity Two



Cole's Crime – A Newspaper Report ... continued

The Court quoted from the testimony before the House of Commons Standing Committee on Justice ...

I think you'd be hard-pressed to find a single professional who has worked in this area who would be in favour of the publication of names. From the very beginning when this was proposed in May 1998, I'd never heard anybody give a single reasoned, principled argument for doing it.

Now, there are some other arguments for doing it having to do essentially with vindictiveness, but in terms of actually trying to be constructive in any way, as I said, I would certainly find it very difficult to find anybody who has done any research on this kind of issue who would support it. It just seems to me to be a gratuitous meanness.

Questions for Discussion

1. Do you agree with the statement that there are no constructive reasons for allowing publication of a young person's name? Why or why not?
2. Imagine that you are the Crown prosecutor and you are arguing to make Cole's name public. You have to convince the court that the public interest in allowing publication of Cole's name outweighed any possible negative effects on his rehabilitation from having his name made public. What kind of arguments could you make?
3. Imagine that you are Cole's lawyer and you are arguing against the Crown prosecutor's desire to have Cole's name published. You have to convince the court that the negative effects on his rehabilitation outweigh the public interest in allowing publication of Cole's name. What kind of arguments could you make?

Writing Assignment

Take on the role of a newspaper reporter and write a story on the crimes Cole committed that led to his arrest. Your news story should cover all the basics of newspaper reporting, including a headline and a lead paragraph containing the who, what, when, and where. The rest of the story should outline the details including the why and how. You may wish to create quotes from witnesses to make your story more realistic. Your story may or may not mention Cole by name, depending on your discussion about releasing his name.



*Section Three:
Chapters 7-13*



Prereading Vocabulary

Instructions: Using the context clues in each sentence in the first column, determine the meaning of the underlined word and match it to the proper definition in the second column.

- | | |
|--|--------------------------------------|
| 1. ___ The <u>gluttonous</u> kitten ate all of the food in its bowl. | a. puffing |
| 2. ___ Tyler's binder was in such a <u>haphazard</u> state, his teacher demanded he put it in order. | b. stirred up or disturbed |
| 3. ___ As the steam-powered locomotive pulled away, <u>chuffs</u> of smoke came from the engine. | c. burned or scorched |
| 4. ___ After seeing what he thought was a ghost, James went into a state of <u>delirium</u> . | d. small streams |
| 5. ___ After the fire, the <u>charred</u> remains of the house were all that remained. | e. excessive greed |
| 6. ___ <u>Torrents</u> of lava came from the volcano when it erupted. | f. body fluid that helps absorb fats |
| 7. ___ The sand on the bottom of the aquarium <u>roiled</u> when the eel dove into it. | g. seemingly without any order |
| 8. ___ The butterfly was <u>flitting</u> around the picnic table because of the gusting wind. | h. dulled sensibility |
| 9. ___ Absolutely exhausted after the ball game, Joey stumbled home in a <u>stuporous</u> daze. | i. rushing flow of liquid |
| 10. ___ While at home sick with the flu, a bitter <u>bile</u> taste came into Tianna's mouth. | j. moving quickly and unevenly |
| 11. ___ <u>Rivulets</u> ran down the window during the rainstorm. | k. an animal taken in hunting |
| 12. ___ We were going hunting, with ducks to be our <u>quarry</u> . | l. very confused thinking |



Handout

Chapter Questions

Chapter 7

1. As chapter seven begins, Cole finds himself needing to “clear the anger and pressure from his mind.” Does this bode well for Cole’s healing process? Why or why not?
2. What weapon does Cole create and how does he make it? What does he intend to use it for?
3. Cole plans on escaping the island, yet still attempts to kill Spirit Bear. What does this say about Cole, and his respect for life?
4. As Cole inches towards Spirit Bear, he stops, looks around, and becomes aware that nobody is watching and he could easily back away. What compels him to keep approaching Spirit Bear?
5. Describe Spirit Bear and its characteristics.
6. What do you think will happen when Cole gets close enough to kill Spirit Bear?

Chapter 8

1. Describe Spirit Bear’s attack on Cole.
2. As Cole lays bleeding, he thinks to himself “What luck... [t]o end up on an island with a stupid bear that didn’t have brains enough to run away.” Has Cole realized his responsibility for what has happened?
3. Cole states he would rather be in a prison cell than on the island. What are his reasons?
4. What does Cole’s crushing of the caterpillar indicate about his personality, even in his beaten state?
5. Look back to Peter’s comments at the Circle on page 50. What parallels are there between what Peter wanted for Cole and what has happened to him?
6. Do you feel bad for what has happened to Cole? Why or why not?

Chapter 9

1. Cole comments that “Nobody else cared about him, so why should he care about himself?” Is it true that nobody else cares about him? Even if nobody cares about Cole, why should he care about himself?
2. What happens to the tree with the sparrow’s nest during the electrical storm?
3. Why do you think Cole calls out to see if the baby sparrows are okay?



Chapter 10

1. Cole notices that the baby sparrows tried to do something before their death. What was it? How does Cole relate this to his experience growing up?
2. Cole begins to think about the circle of life. What is this circle, according to Cole, and how does he feel about his role in it?
3. Cole thinks “The power to choose was the real power, not the fake power of making others afraid.” Explain this statement.
4. What does Cole catch to eat at the end of this chapter?

Chapter 11

1. In this chapter, what are some of the things Cole does to survive?
2. Spirit Bear appears near Cole at the end of this chapter. What do you think will happen to Cole?

Chapter 12

1. When Spirit Bear comes back, why do you think Cole chooses not to spit on him, but instead touch him?
2. How does Cole feel about death?
3. What was the buzzing sound Cole heard?
4. Was it really the seagulls grabbing at Cole and trying to lift him up?
5. What do Edwin and Garvey do with Cole?
6. When Cole says that he’s okay, what does he mean by this?

Chapter 13

1. When Rosey asks for a blanket, Garvey wants to hand him the atóow. Why is it significant that Cole reaches out and grabs it?
2. Why is it significant that Cole whispers “My fault!” when Garvey apologizes for getting Cole into this situation?
3. Garvey tells Cole that he will still be facing jail time when he recovers. Considering what he went through, do you think this is fair?
4. Why does Cole throw out the hair he pulled from Spirit Bear? Would you have done the same?
5. Edwin says that Cole will be okay if he ever finds a reason to live. Do you think Cole has found his reason to live? Explain.

Classroom Activity: Custody – The Last Resort

Objective: Students will learn how and when custody can be used as a consequence for youth who have broken the law and compare it with the traditional Aboriginal concept of banishment.

Method: Reading, Discussion, Comparing and Contrasting

Materials: Background Information, Handout

Teacher Background Information

Looking at custody and banishment will help young people see the differences and similarities between youth justice and Aboriginal concepts of justice. Aboriginal perspectives on justice emphasize bringing the offender back into the community and having the offender repair the harm. Traditional Aboriginal communities depended on all their members contributing in order to survive in the harsh environment. This does not mean that all offenders were accepted back into the community. Community welfare was important and an individual who threatened community welfare and was beyond community efforts to heal could be banished into the wilderness. The Supreme Court of Canada has said that community-based sanctions and restorative justice are an important part of many Aboriginal justice traditions. However, the Supreme Court also concluded that it would be unreasonable to conclude that there are not circumstances where separating the offender from society, condemning the actions and deterring others are not important parts of Aboriginal justice as well.

In the Aboriginal tradition banishment was a last resort. Custody can be seen as the modern day equivalent of banishment. Canada has not always considered custody a last resort. The Supreme Court has noted that Canada is a “world leader in putting people in prison.” The Court also noted that sending people to prison was originally considered a more humane option when penalties such as death and flogging existed. One of the purposes of custody has always been to rehabilitate offenders but rehabilitation by removing people from the community is often not effective.

More recently the limited usefulness of custody, particularly for less serious and non-violent offences, has been recognized both by the courts and governments. The *Criminal Code* now directs courts to consider all other sanctions that are reasonable for offenders before deciding to send them to jail. The *Youth Criminal Justice Act* (YCJA) also clearly directs courts dealing with youth who have committed crimes to consider custody only as a last resort.

The introduction of the YCJA says that one of the purposes of the Act is to address Canada's over-reliance on placing youth in custody and to reserve the most serious consequences for the most serious crimes. There are certain conditions which must be met before a court can sentence a youth to custody. Custody can only be used if the young person...

- has committed a violent offence
- has been sentenced to something other than custody on previous occasions and has not complied with the sentence
- has committed a serious offence for which an adult could go to jail for more than two years and has a history of committing offences
- has committed a serious offence and there are aggravating circumstances that make it an exceptional case

Even if one or all of these conditions are met, the court cannot use custody if there is a reasonable alternative. The YCJA also states that custody cannot be used simply because a youth needs help or protection and does not have a suitable home environment.

Procedure

1. Share the background information with the students and distribute *Banishment/Custody*.
2. Divide the students into small groups. Assign each group one of these four topics...
 - why banishment is useful for dealing with people who have committed crimes
 - problems with using banishment to deal with people who have committed crimes
 - why custody is useful for dealing with people who have committed crimes
 - problems with using custody for dealing with people who have committed crimes
3. Bring the class back together and record the groups' conclusions on the board, making a comprehensive list of the pros and cons of banishment and custody for dealing with offenders.
4. Assign "Did Banishment Fail Cole or Did Cole Fail Himself" persuasive writing activity.



Banishment/Custody

Every society must have ways of protecting its members from dangerous people. One of the purposes of custody is to keep people who are a danger to others away from others. When custody is used for this purpose alone society is only safer while the person is in custody. For this reason custody is also intended to serve other purposes. It is meant to deter the person and others from committing crimes. It is meant to show society's disapproval of the actions of the offender. It is also meant to help people change so that they are not as likely to go back to a life of crime. This can be done in a number of ways including drug or alcohol counselling, anger management or skills training.

The purposes of custody for youth include protecting society and holding youth accountable for their actions, as well as helping youth to turn their lives around. Deterring other people from committing crimes is not a purpose for sentencing a youth under the *Youth Criminal Justice Act*. That leaves holding youth accountable and rehabilitating youth as purposes for sentencing a youth to custody. How effective custody is in rehabilitating offenders, particularly young ones, is the subject of much debate. Some people argue that when a youth is placed in custody the youth is likely to be negatively influenced by other youths who may be more involved in crime. As well a youth may get a reputation in the community that could lead the youth to continue to associate with others who are involved in crime. Others argue that custody is the only way to properly hold a youth who has committed a serious crime accountable and that a youth can receive rehabilitative programming while in custody.

In traditional Aboriginal communities banishment served some of the same purposes as custody. Society was protected because the individual was removed from the society. Banishment can also provide for rehabilitation and hold the person accountable for their actions. The Saskatchewan Court of Appeal has said that the central features of banishment are things like the self-discipline, self-treatment, introspection and self-examination of one's goals designed to make the person a better person. The Court also noted that banishment is also a form of punishment because of the deprivation involved.



Handout

Persuasive Writing: Did Banishment Fail Cole or Did Cole Fail Himself?

Instructions: Read the following, then create a report for Cole's Circle.

There is more than one way of examining the events that led up to the situation Cole finds himself in at the end of Chapter 13. You may think that Cole's banishment has been a complete success, or a total failure. Examine Cole's behaviour and the events that have taken place on the island since his arrival. Use these events to write an evaluation of punishment report to Cole's Circle. Your report should outline the successes and the failures of Cole's banishment, and conclude with a summary of who is to blame for Cole's fate. Thoughts to consider...

- Were Cole's actions his responsibility?
- Is the Circle responsible for not properly punishing Cole?
- Is Garvey to blame for putting too much trust in Cole?
- Is anybody or anything else responsible for the outcome?
- Should Cole be sent back to the island to complete his punishment?



*Section Four:
Chapters 14-24*



Prereading Vocabulary

Instructions: Complete the sentences below using the best words possible from chapter 14 – 24 vocabulary words below. You may need to use a dictionary to find the definitions of words you do not know. No word will be used more than once.

| | | | | |
|------------|------------|-----------|-------------|-------------|
| Relinquish | Composure | Rafters | Irked | Conjuring |
| Gunwales | Ingenuity | Grimacing | Gingerly | Persistence |
| Vaulted | Reverently | Gorge | Galvanized | Writhed |
| Redemption | Chop | Sullen | Resignation | Breaching |
| | | Awning | | |

1. Afraid of causing even more pain, the doctor _____ touched the sore arm on his patient.
2. Martin tried to regain his _____ after breaking out in tears over his hamster's death.
3. Realizing that nothing could be done about the incoming storm, Shelly just shook her head with _____.
4. The defeated army had no choice but to _____ the captured territory to its enemy.
5. The elder's stories were _____ up images in the minds of her audience.
6. Willene _____ in her bed with disgust when thinking about the bug she found that day in her pie.
7. Corby's cat _____ across the kitchen to try and eat the spilled tuna.
8. In order to keep the building's frame from rusting, they chose to use _____ steel.
9. The _____ of the boat were badly damaged when the tree fell on top of it.
10. The rainstorm caused the dam to _____ with water.
11. Hoping for _____, Ryan asked Jill to forgive him for breaking her MP3 player.
12. The heavy rain on the day of the picnic only added to Jocelyn's _____ mood.
13. The fish were _____, likely in attempt to catch the flies buzzing just above the water.
14. Paige was _____ by her parents because they would not buy her a bag of potato chips.
15. In order to get some shade while she read her book, Marcia pulled the _____ out from the side of the camper.
16. The roof of the house started to sag because the _____ were poorly constructed.
17. The young boy _____ approached the priest to ask him for his advice.
18. Because of Samantha's _____, the teacher finally caved in and allowed her to get a drink of water.
19. Betty was _____ at the thought of having to clean her dirty bathroom.
20. The boat shook as it travelled over the heavy _____.



Handout

Chapter Questions

Chapter 14

1. What happened to Cole's father? Why does it seem Cole's mother charged him?
2. Cole's mother appears to have a change of heart regarding her lifestyle and relationship with Cole. Describe the changes and consider why you think she has changed.
3. Cole's mother discusses how his father was beaten as a child, and she says this was a reason for him abusing Cole. How is this also a circle?
4. When Cole returns to the Circle, there are two people missing. Who are they? Why do you think they are not there?

Chapter 15

1. How is Peter recovering from the injuries caused by Cole?
2. How does Edwin demonstrate the change in Cole's path in life?
3. What did Edwin's friend Bernie see on an island near the one on which Cole had been placed? What does this prove?
4. Peter's lawyer is very abrupt and not kind to Cole. Why do you think the lawyer acts in this manner?
5. The Keeper says that they have no way of knowing if Cole is over his anger. What is his response?
6. What news does Cole receive from Edwin and Garvey at the chapter's end? Would you have made the same decision? Why or why not?

Chapter 16

1. How is Cole's second trip to the island being funded?
2. When Cole asks "What do we do first" Garvey responds "Everything is up to you now." Why would he say this?
3. What are some of the first tasks Cole has to complete?
4. What could Garvey's observation that "all the world is a hot dog" (139) mean?
5. Cole briefly considers the possibility of taking the skiff and returning to the mainland. However, even if he had tried, Edwin had removed the spark plugs from the engine, so it would not have worked. What does this incident tell us about Cole, Edwin, and Garvey?



Chapter 17

1. Cole thinks about Peter when he cannot sleep. What are his thoughts? How are these thoughts different from his earlier feelings about Peter?
2. Edwin uses a stick to demonstrate a point to Cole. What is this point?

Chapter 18

1. What does Cole begin building in this chapter? Why must it be of such high quality, and why do Edwin and Garvey not help him with the labour?
2. Edwin states "Pride has no place on this island." Cite two instances in this chapter where Cole puts his pride ahead of practicality.
3. Cole is upset that Edwin and Garvey are not helping with anything. By doing nothing, are they helping Cole?
4. What does Cole take away from the whale dance?
5. What activities do Cole and Edwin do to help Cole release his anger?

Chapter 19

1. What does Cole do after working on his shelter?
2. What is Garvey's response to Cole? Do you think it is fair?
3. What lesson does Cole learn from the wolf dance?
4. When pushing the rock down the hill, Cole comes to a realization. What is it?
5. What does Cole see as he begins to return to camp?

Chapter 20

1. What realization does Cole have regarding his father?
2. Why do you think that Edwin and Garvey don't heap a lot of praise on Cole for building his cabin?
3. Edwin put the spark plugs back in the boat two days before he and Garvey left. What does this indicate?
4. Edwin states that "you can never heal completely until you discover one thing" but does not tell Cole what that thing is. What do you think Edwin is referring to?



Handout

Chapter 21

1. Cole discovers a large piece of driftwood along the beach and realizes that there are two possible uses for it. What are they?
2. What does Cole do with the log?
3. Do you think Cole is sincere when he asks Edwin about how Peter is doing? Why or why not?
4. How does Edwin explain totem poles to Cole?

Chapter 22

1. How does Cole make himself invisible, and why is he doing this?
2. Cole appears to have discovered why Spirit Bear came to visit him, and why the fish and beaver came so close to him. What do you think the reason is?

Chapter 23

1. What does Cole believe to be the secret to be invisible? Why does he come to this conclusion?
2. What does Cole see after allowing his mind to clear and letting himself become one with nature?
3. Cole decides that he can now do the anger dance. When he is doing it, he screams "Please forgive me! I didn't mean to hurt Peter!" Think back to his motivations at the time of the assault, Cole's family history, and Cole's reaction to Peter when he hears him speak for the first time since the assault at the Circle on page 40. Is this statement true?
4. Cole also states "I forgive you" during his anger dance. To whom do you think he intends these statements?

Chapter 24

1. What does Cole note about being angry at the opening of the chapter?
2. Cole learns that if he cannot help the person he wronged, he should then help somebody else. What does he correctly speculate about Edwin and Garvey?
3. Cole spots the Spirit Bear every few days now. What does this indicate about the change in Cole?
4. When Cole starts thinking about his return to Minneapolis, what is he concerned about? Why is this unusual?
5. Peter twice attempts to commit suicide, and Cole believes the answer to Peter's problems is to have him spend time on the island. Why does Cole think this is a good idea, and do you think that it will work?
6. Cole attempts to carve the bottom of the totem pole several times in this chapter, but cannot find an appropriate symbol for him getting over his anger. What do you think Cole should carve?



Victims' Issues

Instructions: Read the information about Victims' Issues, and answer the following questions.

The *Youth Criminal Justice Act* (YCJA) contains a preamble that sets the tone for the interpretation of the Act. In part, the preamble states that our youth criminal justice system should take into account the interests of victims. The preamble also states that addressing the needs of young people and preventing crime is a shared responsibility of society as a whole. Under the YCJA, victims are encouraged to take an active role in formal and informal community-based measures that deal with youth crime.

The YCJA also contains a Declaration of Principle that sets out the government's policy in relation to the youth criminal justice system. These principles must be considered at all times when dealing with the provisions of the Act – from detention or arrest to court proceedings and sentencing. The principles state that the intent of the youth criminal justice system is to prevent crime by addressing the personal circumstances of youth who offend, to rehabilitate those youth and reintegrate them, and to provide meaningful consequences for their offence.

The interests of victims are again specifically mentioned at this point of the Act. The principles state that victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system.

The Act emphasizes that measures taken against a young person should encourage the repair of harm done to victims and the community. When it comes to sentencing, the Act specifically states that youth sentences must promote a sense of responsibility in the young person and an acknowledgement of the harm done to the victim and the community. Further, youth sentences must take into account the harm done to victims and the degree to which the harm was intentional. Victims have a right to access youth court records.

Victims should be given information about the proceedings as well as the opportunity to participate and be heard. Under the YCJA, a group of people can be brought together to give advice to a decision-maker on how to deal with the young person and their offence. This group can include the victim, along with other people such as the young person's parents, and other interested parties. This group of people, known as a "conference" under the Act, can give advice on a number of matters, including sentences and plans for reintegrating the young person back into the community after time in custody.

The theme of restorative justice runs throughout the YCJA, and can be seen in the provisions dealing with victims of youth crime. Restorative justice provides young people with an opportunity to take responsibility for their behaviour and repair the harm done to the victim. This can help them to realize the full impact of their actions.

It is important to emphasize that other than being called to give evidence as a witness, a victim can choose whether to participate in the other opportunities for involvement in the youth justice process. Victims respond to crime in their own way – there is no one way to address their concerns and issues.



Youth Records

Instructions: Read the information about youth records, and answer the following questions.

YOUR RECORD DOESN'T END WHEN YOU TURN 18

The time a youth record lasts has nothing to do with turning 18. It can be closed before you turn 18, or it can stay open long after. It can even become a permanent adult record.

The time a youth record lasts depends on...

- how serious the crime was
- the sentence
- whether you commit another crime while your record is open

SERIOUSNESS OF THE CRIME

Summary conviction offences are minor crimes. An adult can only be fined up to \$2000 or go to prison for up to 6 months, or both, for these crimes.

If you are found guilty of a summary conviction offence, your record will last for 3 years after the end of your sentence. The 3 years don't start when you commit the crime, or when you are found guilty. They start when you have finished your whole sentence, including your probation.

How old you will be when your record for a summary conviction offence is closed depends on how old you are when you are sentenced, and how long the sentence is for. Your record will only be closed before you turn 18 if you finish your sentence before your 15th birthday. If you are 17 or older when you are sentenced, you will have an open record into your 20s.

Indictable offences are serious crimes. Punishment for these crimes is more severe than the punishment for summary conviction offences.

If you are found guilty of any indictable offence, your record will last at least 5 years after you finish your sentence. It can sometimes remain open to the police and the Attorney General for 10 years or more. This can happen if the crime you committed was a serious sexual or violent crime in which you used a weapon or injured the victim. The 5 years don't start when you commit the crime, or when you are found guilty. They start when your sentence (including your probation) is over and you have done everything you were told to do. If you are 13 or older when you finish your sentence, you will still have a record after you turn 18. In many cases, you will be in your 20s before your record is closed, even if you never commit another crime.

Hybrid offences are crimes that can be treated as either summary conviction offences or indictable offences. Only a few minor crimes are always summary conviction offences.

Activity Two



Youth Records ...continued

It is up to the Crown Prosecutor to decide which way to treat these crimes. If you commit a hybrid offence, you won't know how long your record will last until the Crown Prosecutor decides. The Crown Prosecutor is a lawyer working for the government whose job it is to present the case against you in court. Very serious crimes are always indictable. Most of the common youth crimes can be either one or the other.

THE SENTENCE

You will always get a record if you have been involved in the youth justice system. The length of time it will last depends on the outcome of your case.

For example...

- If you are sent to an alternative program instead of having a court trial, you won't have a court record. Instead you will have a police record showing that you have been in an alternative program because you have committed a crime. That record will last for 2 years from the time you agree to enter the alternative program.
- If you have a hearing and the judge gives you an absolute discharge, your record will last for one year after the judge's decision.
- If the discharge is conditional, the record will last for 3 years after the decision.
- If you are found guilty of a summary conviction offence, your record will last for 3 years after you finish your sentence, including probation.
- If you are found guilty of an indictable offence, your record will last for at least 5 years after you finish your sentence, including probation.
- Even if you are acquitted, there will be a record until the appeal period ends, or until after all appeals have been heard and decided. The record will show that you have been charged but found not guilty.

COMMITTING ANOTHER CRIME

Committing another crime before your record is closed makes your record for the first crime last longer.

If you already have a record and you commit another crime before you turn 18, the record for the first offence won't be closed until it is time to close the record for the later offence. For example, if you are found guilty of a serious crime 2 years after you have finished serving a sentence for a minor offence, your record on the minor charge won't be closed at the end of 3 years. It will remain open until 5 years after the end of your sentence for the second, more serious charge. This means that if your sentence for the second offence is for 6 months, your record on the minor charge will last for 8 years instead of 3.

Anyone who has access to your record will see that you are a repeat offender.



Youth Records ...continued

You are committing a crime if you deliberately fail to carry out your sentence. If you are still serving your sentence when you turn 18, and you disobey it, your youth record could become a permanent adult record for that reason alone.

If you commit another crime after you turn 18, but while your youth record is still open, your youth record will become a permanent adult record. Access to it will no longer be restricted.

MAKING SURE YOUR RECORD IS CLOSED

When it is time to close your record, the Royal Canadian Mounted Police have to destroy the copy that is in their files. You should make sure that they do this. Go to your local police station with a photo ID and ask them to check the RCMP files for you.

If your record is still in the files, ask your local police to contact the RCMP and have the record destroyed. You should do this even if you have been charged but found not guilty.

Local police don't have to destroy their copy of your record, but after it is closed they are not supposed to let anyone see it without a court order. They should remove it from their active files. Contact them to make sure that they have done this. You don't want your record to be a problem for you any longer than it has to be.

Questions for Consideration

1. Does a youth record automatically disappear when the minor turns 18?
2. What does the amount of time a youth record lasts depend upon?
3. If a young person is found guilty of a summary conviction offence, for how long will their record remain open?
4. If a young person is found guilty of an indictable offence, for how long will their record remain open?
5. If a young person goes through an alternative program such as a conference, what will they have instead of a court record?
6. What happens if a young person commits another crime while their record is still open?
7. If a person is over the age of 18 and has an open youth record, is there a possibility that their record will become a permanent record?
8. Consider Cole's crimes. If his assault of Peter had been his only offence, for how long would his record remain open?
9. Do you know for how long Cole's overall record will remain open?



*Section Five:
Chapters 25-28*



Chapter Questions

Chapter 25

1. What is Cole's idea to cure Peter's depression? How does Edwin react to this suggestion?
2. Do you think it is a good idea for Peter to visit the island? Why or why not?
3. About two weeks after Cole's suggestion, who arrives on the island?
4. Peter blurts "Leave me alone. I don't want your help!" to Cole. How is this situation similar to Cole's initial feelings about Garvey and Edwin? How is it different?

Chapter 26

1. Peter does not want to sleep in the cabin with Cole. What arrangements are made for Cole's living quarters while Peter is on the island?
2. Do you think that Edwin purposely brought a leaky tent? Why or why not?
3. Peter shows some signs of embracing Cole's island practices. What are these?
4. Why do you think Peter threw the rock at Cole and later tossed him into the water?

Chapter 27

1. What does Peter tell Cole when he lets him into the cabin? What does Peter do in the following days that show he dislikes Cole?
2. What does Cole convince Peter to do after destroying the bear on his totem pole?
3. What does Cole say about the quality of carvings on the two boys' totem poles?
4. What does Peter do to Cole's totem pole at the end of the chapter? What does this say about the change in Peter's attitude towards Cole?

Chapter 28

1. Peter asks Garvey to not accompany Cole to the pond. Why does he do this?
2. Why does Cole not fight back?
3. Do you think Cole deserved the beating he received from Peter? Why or why not?
4. Cole states "I don't think I'll ever heal from what I did to you, but I'm sorry, Peter. I really am sorry." What then happens?
5. As the book closes, Peter states "What makes you think I forgave you?" Do you think Peter has forgiven Cole? Why or why not?



Activity One

Cole - An updated Character Profile

Review the character profile you created for Cole when reading the first section of the book. Think about how Cole has changed, and why this has happened. Then write a new character profile for Cole that keeps all the essential elements of a character profile, but also specifically looks at the kind of person Cole now is, and what events have brought about this change.



To Banish or not to Banish

While Cole was banished to a remote Alaskan island as a consequence for his actions, banishment is not widely used in Canada, and it appears that banishment has never been used as a consequence for a young Canadian who has committed a crime. Think back to your earlier classroom discussion on banishment after Chapter 13, and consider the events of *Touching Spirit Bear*. Then answer the following questions about the use of banishment.

1. What risks are there in banishing a young person?
2. What would the benefits be to the young person who is banished?
3. Do you think it is more appropriate for an adult to be banished as opposed to a young person? Why or why not?
4. What types of locations would be suitable in Canada for banishment? What are the benefits and drawbacks of the locations which you have chosen?
5. Why do you think there has yet to be an instance of a young Canadian being banished?
6. Overall, do you think banishment for youth is a good idea? Why or why not?

Classroom Activity: Coming Full Circle

Respect means listening until everyone has been heard and understood, only then is there a possibility of 'Balance and Harmony'— the goal of Indian Spirituality.

Dave Chief, Aboriginal Elders Teachings Archive, October 1998

- Objective:** Students will learn how traditional Aboriginal justice concepts have been incorporated into the justice system through Sentencing Circles.
- Method:** Reading, Role Play, Simulated Sentencing Circle
- Materials:** Background Information, Handouts, Chairs, Talking Object (like a stick or a feather)

Teacher Background Information

Looking at Circles will help young people see how traditional Aboriginal values can be used in a modern context. Circles are central to Aboriginal values. Days, years, people's lives and all creation are made in a circle. Circles remind people about Mother Earth and their journey through life from the earth, to infancy, childhood, adulthood, old age and back to the earth. Circles are sacred and represent bringing people together.

Aboriginal peoples see everything in the universe as part of a single whole. Everything is connected so it is not possible to understand one thing without understanding how it is connected to everything else. The Aboriginal concept that everything is interconnected means that people and their actions are not considered in isolation.

The use of a Circle to deal with people who have committed crimes was developed as a way of bringing some traditional Aboriginal values into the justice system. In the court case that introduced this concept the Judge recognized that the Aboriginal way of dealing with conflict is to emphasize reconciliation, the restoration of harmony and the removal of the underlying causes of the conflict. He also noted that Aboriginal culture places less emphasis on individual responsibility and dealing with conflict through confrontation. The Judge found that using a Circle to determine consequences for a wrong-doer can allow greater recognition of Aboriginal values in the justice system.

Circles were first used in the early 1990s, by courts struggling to find a way to effectively deal with people who had committed crimes. The Judge of the Yukon Provincial Court that first introduced the idea noted that rising crime rates and the high numbers of repeat offenders, as well as the high cost in monetary and human terms of dealing with crime and criminals, have forced societies to search for alternatives.

Since that decision Circles have been used to decide on sentences numerous times in Saskatchewan courts. These are commonly referred to as Sentencing Circles. There are specially designed Circle courtrooms in some locations in Saskatchewan. The design and furnishings of these courtrooms are based on the traditional circle setting of First Nations in Saskatchewan.

Everyone who sits in the Circle has the same power and everyone in the Circle must come to an agreement about what should be done. This consensus method of making decisions is in keeping with traditional Aboriginal ways of resolving disputes. In keeping with the Aboriginal view that peacekeeping is not entrusted to solitary people but is shared among a wide range of people, everyone has a chance to participate. Because of the belief that people must make their own choices, the responsibility for solving the problems rests with the parties affected, although others in the community can assist them.

In keeping with the Aboriginal view that problems cannot be viewed in isolation, often the Circle will include the victim and others affected by the misbehaviour. Those affected may include the victim's family and the offender and members of his family and community, as well as Elders and others who will assist the parties. A Sentencing Circle to deal with a matter that is before the court will also include the judge, Crown Prosecutor and a lawyer for the offender (unless the offender represents himself).

In the case where a Circle was first embraced by the Court as a way of deciding what to do with an offender, the court noted that in the criminal justice system too much blame and too much responsibility is placed with the offender. The Court stated "within the community lies many answers to what causes crime, what will prevent crime and what can be done to rehabilitate offenders."

The goal of Aboriginal justice is to bring the person back into harmony with the community. The person's actions are condemned but the person is still seen as a valuable member of the community. In traditional Aboriginal communities all community members played essential roles in the community. In one of the early Saskatchewan cases dealing with the use of Circles, the Court noted the emphasis in Sentencing Circles is on re-integration and restoration of harmony within the community. The Court went on to say "I understand that this attitude was developed as a survival tool because traditional native North American groups could ill afford the luxury of exacting revenge on individual productive members of the group."

The offender may agree to things like apologizing, receiving treatment for drug or alcohol problems and compensating the victim. Including these things in a sentence is in keeping with the importance placed on healing and restitution in Aboriginal justice.

The *Youth Criminal Justice Act* (YCJA) does not specifically mention the use of Sentencing Circles for dealing with youth who have committed crimes, but there are a number of ways that a Sentencing Circle could be used for a youth, although the term Sentencing Circle will

not usually be used. The YCJA provides that measures should, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person's rehabilitation and reintegration.

The YCJA allows anyone who is trying to make a decision about what should happen with a youth, for example a judge in a court case or the police when they arrest a young person, to call a Conference. These Conferences can operate much like a Circle, although the final decision still rests with the person who called the Conference, for example in a court case the judge. As well a youth who is dealt with outside of court under the YCJA may be referred to a Community Justice Committee. The Conferences held by these committees can also operate much like a Sentencing Circle.

What a Circle Can Do for Offenders and the Community

A Sentencing Circle is a different way of dealing with someone who has committed a crime. Using a Sentencing Circle can benefit the offender, the victim and the community in a number of ways. A Saskatchewan Court noted that it is often said that "one main purpose of the circle process is to keep Aboriginal offenders out of jail." The Court went on to conclude that keeping people out of jail, although it may be a "welcome side-effect" is not the purpose of using Sentencing Circles. The Court found that if the only goal was keeping people out of jail this could be achieved simply by opening the jails and letting people out.

A Sentencing Circle provides a way for certain things to happen that may not happen when a sentence is decided by a judge acting alone. One of the most important things that happens is that offenders must face the person they have harmed and their own community. In one case a Judge noted that dealing with an offence in a person's own community may be harder than being sent away to jail. He noted that an offender who is dealt with in and by the community must "live with the daily humiliation [of having the community know what he or she did] and at the same time seek forgiveness not just from the victims, but from the community as a whole."

The importance of facing your own community was recognized by the Court when developing the criteria for using a Sentencing Circle. One of these criteria is that the person must have deep roots in the community in which the Circle is being held. This does not necessarily mean that a Sentencing Circle can only work in smaller centers where everybody knows everybody. Even when people live in large cities they have communities made up of their friends, family, employers and other significant people.

Shaming a person who has misbehaved is part of some Aboriginal Justice traditions. Shame is experienced by an offender in a Sentencing Circle because they see and hear first hand from the victim the pain their actions have caused. They also see how their actions have caused pain to the victim's family and the community. Because offenders are facing their own communities, it is hard for offenders to rationalize what they have done and dismiss the feelings of people who are part of the Circle.

Shaming as a sanction for misbehaviour also has a part in Western justice. Some examples that come to mind are from an earlier time in history. Students may be familiar with the novel *The Scarlet Letter*. In this novel a young woman was required to wear a scarlet "A" on her clothing because she committed adultery. Students might also know that at one time people who committed crimes could be placed in stocks. Shaming was not limited to those who committed crimes. Children, for example, could be shamed for misbehaving by having to sit

on a stool wearing a dunce cap. There are also more current examples, including things like publishing the names and photographs of people convicted of soliciting prostitutes.

In the Aboriginal tradition, shaming of the person's actions was coupled with the recognition that the offender was still a valued and respected member of the community. Shaming sanctions in the Aboriginal tradition are intended to assist the offender in reintegrating back into the community. Other types of shaming sanctions that shame an offender as a person could serve to further alienate an offender rather than bring an offender back into the community. The purpose of these kinds of sanctions could be viewed as punishing the offender.

Procedure

1. Share the background information with the students.
2. Distribute *The Case and Sentencing Options* to all students. Explain that Cody has pleaded guilty to the charges and that a Sentencing Circle, or Conference, is going to be held to decide what should happen.
3. Have students represent each of the 11 characters. Give students the *Character Description* for the role they will be playing. Teachers may want to have more than one student play each role or have two or more Circles so that every student can participate.
4. Distribute *How a Circle Works* to students and review it with students. Have the students assist with setting up the room and choosing an object to pass around.
5. Conduct the Sentencing Circle according to the outlined procedure and continue until everyone has said what they want to say and a consensus is reached about the sentence. Teachers may need to set a limit on the amount of time the Circle can take and agree to end it before a consensus is reached if the time limit has passed.
6. Provide an opportunity for students to debrief and discuss how they felt when playing their roles.



The Case and Sentencing Options

The Case

Cody has been found guilty of two charges of robbery. Cody was hanging around with two other youths, both of whom had been in trouble with the law before. They were all drinking. They had not planned on mugging anyone, but Cody had pepper spray with him.

One of the youths said "let's go get a smoke off that guy," pointing to the victim who had just left the pool hall and was heading towards his car. The three youths approached the victim and Cody asked for a smoke. When the victim pulled out his cigarettes and lighter, Cody attempted to use the pepper spray on him. Cody could not get the spray to work and one of the other youths took it from him and sprayed the victim several times in the face. After that Cody grabbed the victim's cigarettes and lighter. All three youths then started punching and hitting the victim in the face. After the victim fell to the ground one of the other youths took his watch.

The second robbery took place about 20 minutes later. The youths were walking down the street when they saw the victim down the street. One of the youths said "let's get him" and the three youths swarmed the victim. One youth pepper-sprayed the victim in the eyes. Cody and the other two youths then began punching and kicking the victim. One of the youths took the victim's wallet.

Sentencing Options

There are a broad range of sentencing options available to the Youth Justice Court. The options can be used alone, or they can be combined with other options. They include...

- reprimand of the young person (A stern warning from the judge. Used where simply being charged and having to appear in court are considered enough of a consequence.)
- an absolute discharge or conditional discharge (With an absolute discharge there are no further consequences for the young person. With a conditional discharge the youth must do what the court orders for a period of time and if the youth complies with the conditions there are no further consequences.)
- a fine of up to \$ 1,000
- payment to any person of a sum of money, compensating them "in kind", or performing personal service, as compensation for property loss, personal injuries, or loss of income
- community service (This can include a wide variety of things including working at a food bank, or friendship centre or with any other organization that provides volunteer services to the community. It also can involve doing things like providing services or speaking to other youths, about, for example, the harm caused by dangerous driving.)



Handout

Sentencing Options...continued

- probation for up to two years (Being on probation means the youth must comply with a variety of conditions. There are standard conditions like keeping the peace and being of good behaviour, reporting to a youth worker regularly, following the directions of the youth worker and reporting to the court as required. Other probation terms can include not having contact with certain people (for example a co-accused), drug or alcohol counselling, community service, providing an apology to the victim, and attending school regularly.)
- in some cases, a prohibition from owning certain weapons or explosive devices

A Youth Justice Court can also sentence youth to custody in some circumstances. Custody would be an option in this case because it was a violent crime, if there is no reasonable alternative. Because robbery is an offence for which an adult can receive a maximum sentence of life imprisonment, a youth could receive up to three years of custody.



How a Circle Works

There is no one way that a Circle can be used when dealing with someone who has committed a crime. There are some things that all Circles have in common. People are seated in a circle. The simple fact that people form a circle changes how they deal with each other. In a regular courtroom the judge is usually seated on a podium higher up than the rest of the people and people other than those directly involved (lawyers, witnesses, the person charged with a crime) sit in an area that is often separated with a railing. Having everyone seated in a circle demonstrates that everyone is equal. It also means that people are closer to each other and can communicate more directly. Everyone who sits in the Circle has the same power.

A Circle may begin with an explanation of the significance of circles in Aboriginal culture and include opening and closing prayers and other rituals such as smudging with sweetgrass. Often an object (such as a talking stick) will be passed around the Circle. Whoever has the object can speak and the others will listen without interrupting. When the person has finished the object is passed on to the next person in the Circle.

Everyone takes turns talking and listening until everyone has a chance to say what they want to say and to respond to what other people have said. The Circle continues until everyone comes to an agreement about what should be done.



Handout

Character Description

Cody (offender)

Cody had turned 15 just two months before the offences were committed. Cody is of Aboriginal descent* and recently moved from the reserve to the city. He is an only child. On the reserve he lived with his mother and father. After the family moved to the city, three cousins came to live with them. Previously these cousins had been in the care of Social Services. Shortly after coming to the city Cody had been robbed at gunpoint of his bike, sneakers and video games. He had recently received these things as gifts. At the time of the incident Cody had been drinking. He does not remember some things about that night because he was drunk. This was only the second time he had ever drunk alcohol. Cody was arrested shortly after the incident. Cody was initially uncooperative with the police but eventually admitted his part in the offences. He feels very bad about what he did and wants to apologize.

*Cody's race is relevant because the *Youth Criminal Justice Act (YCJA)* requires courts dealing with young people who have committed crimes to consider "all available sanctions other than custody that are reasonable in the circumstances...with particular attention to the circumstances of Aboriginal offenders." As well, one of the principles of the YCJA is that young people who commit offences should be treated in a way that respects gender, ethnic, cultural, and linguistic differences and responds to the needs of Aboriginal young persons. The Supreme Court has found that the purpose of considering the circumstances of Aboriginal offenders is to change the way Aboriginal offenders are sentenced to respond to the sad and pressing problem of the drastic over-representation of Aboriginal people in the criminal justice system. The Supreme Court has also stated that traditional Aboriginal ideas about sentencing emphasize "restorative justice" and that this tradition is very important when considering what it means to pay particular attention to the circumstances of Aboriginal offenders.

Notes



Character Description

James (victim)

James is 22 years old. He had been enjoying a night out with friends at the pool hall. Around midnight he left the pool hall and walked to his car in a nearby parking lot. Cody and two other kids around the same age asked him for a cigarette. They punched him in the face several times and pepper-sprayed him. His face was red and swollen and he had several cuts above the eyebrow. They stole his cigarettes, his lighter and his watch.

Notes



Handout

Character Description

Mike (victim)

Mike is 43 years old. He was walking down a major city street on his way home from working a late shift. He was attacked by Cody and three other youths. They pepper-sprayed him and punched and kicked him. They took his wallet which had money as well as credit cards and identification. Mike had cuts, lumps and abrasions on his forehead, the side of his head and behind his left ear. Mike was taken to the hospital for stitches and decontamination from the pepper spray. In the time since the incident Mike has been very worried that the boys know where he lives and might come after him. He has not slept well and this has started to affect his performance at work and his home life.

Notes



Handout

Character Description

Cody's Mother

Cody's mother is a recovering alcoholic. As a child she had been sent to the United States where she was adopted. She has taken treatment for alcoholism six times in the past twenty years and most recently has been sober for a year. She moved her family to the city so she could go to University. She feels that Cody did what he did because he had consumed alcohol and because he was angry about having been robbed of prized possessions himself. She notes that he also had to adjust to sharing his parents with his cousins. She regrets that she wasn't there for him because she was busy with the demands of school and her expanded family.

Notes



Handout

Character Description

Cody's Father

Cody's father has also struggled with alcohol addiction. He now has a job as a carpenter. He feels that in the past he has damaged Cody by being violent and abusive towards Cody when he was drinking. He feels his son has a promising future as a hockey player. He notes that Cody had been a positive influence on his young cousins.

Notes



Character Description

Colin Brown (Cody's lawyer)

Colin does not know Cody very well but has met with Cody and his parents several times. He knows that Cody and his parents are scared that Cody could be placed in custody. He thinks Cody is a good kid who made a serious mistake. He is concerned that Cody is susceptible to negative peer influences. He wants to see Cody remain at home with his parents. He would like Cody to have the chance for a fresh start so he is going to ask the Court for a conditional discharge. He knows that he needs to make sure that the Court takes Cody's circumstances as an Aboriginal offender into account.

Notes



Handout

Character Description

Karen Theissen (Crown Prosecutor)

Karen knows that Cody has not been in trouble before but she is concerned about the violent and vicious nature of the assaults. She thinks that if Cody is just allowed to go back and live with his parents as if nothing had happened he will think he can do things like that and get off easy by just saying he was sorry or using the excuse that he had been drinking. She would like Cody to spend some time, even a short period of time, in custody so that he can get an idea of what will be in store for him if he ever does something like this again. She does not think his parents alone can stop him from getting into trouble again. She would also like to see Cody get help dealing with alcohol and thinks that he could be assessed for this problem and start treatment while in custody. [Students playing the role of Crown Prosecutor may want to review the Classroom Activity: Custody-the Last Resort.]

Notes



Character Description

Ellen Watts (Judge)

Judge Watts would like to hear what the people in Cody's life, the victims and the Crown Prosecutor think would be a good sentence. She has decided to have a Sentencing Circle, or Conference, to decide on the consequences for Cody, if they are able to come to an agreement and if the consequences are in keeping with the principles of the *Youth Criminal Justice Act*. She would like the people involved in the Sentencing Circle to remember that a sentence for a youth should reinforce respect for society's values, encourage repair of harm and be meaningful for the young person. A sentence should hold a youth accountable through just consequences and help a youth turn their life around. The sentence must also fit the crime; more serious offences require more severe responses. Finally they need to remember that Cody could be sentenced to custody (because of the violent nature of the offence) but that all other consequences that are reasonable in the circumstances must be considered first, particularly in light of Cody being an Aboriginal youth. [Students playing the role of the Judge may want to review the materials from lessons five and six on the purposes of consequences and custody as a last resort.]

Notes



Handout

Character Description

Tom Johnson (arresting officer)

Tom was called to the scene of the incidents after a passer-by saw Mike being assaulted and robbed and phoned 911. Tom and his partner searched the surrounding area and found the group of boys. The boys looked like they had been in a fight and matched the description given by the bystander. The boys all appeared to be drunk. When Tom approached them they shouted obscenities and refused to answer any questions. Tom and his partner arrested the boys. A search of the boys' pockets revealed the stolen wallet and other items. Initially after being taken into custody Cody had to be restrained. He repeatedly punched the door and window of his holding cell. After he calmed down he gave Tom a statement admitting his part in the incidents. This statement assisted the police in dealing with the other boys.

Notes



Handout

Character Description

Hannah Lane (Cody's teacher)

Hannah is Cody's home room teacher for grade nine at the high school he attends. She teaches him math and science. In the few months that Cody has been her student she has found him to be quiet, polite and hardworking. He has completed all his assignments and he attends school on a regular basis. He has been involved in cultural activities at the school. She is not sure who his friends are and is concerned that he may be somewhat isolated or looking for acceptance from some students who are not good role models.

Notes



Handout

Character Description

Freda Cardinal (Elder)

She has met with Cody and his family several times since the incidents. Cody seems receptive to learning some of the traditional teachings and looking at ways to heal both the damage done to himself and to others through his actions. They have discussed the difficulties that Cody has faced moving from the reserve and adjusting to the new members of his family.

Notes



Answer Key

Section Two: Chapters 1-6

Handout: Prereading Vocabulary p.13

- | | | |
|------|-------|-------|
| 1. a | 8. b | 15. c |
| 2. b | 9. a | 16. b |
| 3. c | 10. b | 17. a |
| 4. a | 11. c | 18. a |
| 5. a | 12. b | 19. b |
| 6. b | 13. a | 20. a |
| 7. c | 14. b | |

Handout: Chapter Questions p. 16

Chapter 1

1. Cole is being sent to an island in southeast Alaska as a punishment for violently beating up Peter Driscall, the boy who reported to police that Cole robbed and ransacked a hardware store. (6) He has accepted banishment as an alternative to being put in prison (3).
2. Cole sees it as a way of avoiding being put in prison, although others think he is doing it because he feels sorry for what he has done (5).
3. Cole shows disrespect for adults, such as when he purposely spits so it will hit Edwin, believes that the adults that are supposed to help him always pass him on to others, and believes he could always get another last chance (5 – 6).
4. Circle Justice is a healing contract to help correct the wrong done by a criminal. In the example given, if a person kills somebody's cat, that person may need to help the victim pick out a new kitten and help raise it to help make things right. The objective is to heal, not punish (10-12).
5. ANSWERS WILL VARY.

Chapter 2

1. ANSWERS WILL VARY but could focus on how Garvey is saying that the only way Cole believes trust is built is through fear and intimidation, not mutual respect.
2. If you eat, you'll live. Cut plenty of wood or you'll freeze. Keep things dry because wet kills. Don't touch Devil's Club or the thistles will infect your hands. Animals will kill you if need be. Animals can teach you more than any teacher. Don't eat anything unless you know what it is (17 – 18).
3. Spirit Bear lives off the coast of British Columbia. It is a special breed of black bear that is pure white, and has pride, dignity, and honour.
4. ANSWERS WILL VARY but could revolve around the contrast between black being perceived as evil and darkness while white is associated with peace and pureness.
5. Cole says he would kill it, and Edwin warns him that whatever he does to the animals, he does to himself (18).
6. At.oow – a blanket handed down through the generations in his family. Cole must take care of it, and hand it down to someone he trusts in the future (19).

7. ANSWERS WILL VARY.
8. He burns it down (25). ANSWERS WILL VARY.

Chapter 3

1. He says he's surprised that Cole is afraid of a little bad taste, knowing Cole will want to prove that not to be the case (28-29).
2. ANSWERS WILL VARY but should revolve around the past events in Cole's life and how he allowed these events to lead himself to the robbery and beating up of Peter.
3. Since Cole had taken swimming lessons, he plans on swimming from island to island until a boat picks him up (32).
4. Anybody who wants to help find a solution can be at the Circle. This could include lawyers, the judge, parents, classmates, and community members (33).
5. Until Peter forgives Cole, Peter won't heal (33).

Chapter 4

1. It shows that Cole is not truly sorry for his actions.
2. She states that the purpose of the justice system is to meet the needs of the offender and the victim, allowing them to heal. The regular justice system often seeks to punish instead (38).
3. ANSWERS WILL VARY.

Chapter 5

1. His anger had clouded his thinking and he failed to consider the incoming tide when trying to swim to the next island (41).
2. Cole sees Spirit Bear on the shoreline near the opening of the bay. He threatens it and throws a rock at it, thinking that the animal had none of the pride, dignity, or honour Edwin claimed it had. Cole believes it had no right to stare at him, so turns to get a knife to kill the bear. When he turns around, the bear is gone, and Cole's search through the trees proves fruitless (44).
3. ANSWERS WILL VARY.

Chapter 6

1. Cole accuses his father of beating him, but his father claims he only gave him "swats" when he deserved them (47-48).
2. While the novel states she looked frightened (49), ANSWERS WILL VARY.
3. ANSWERS WILL VARY.
4. Cole, as evidence of Cole's lying is found on page 39 when he makes his initial statement.
5. Cole observes the pattern of the tide, and finds that the high tide comes in at noon, and recedes an hour later. He decides to use the receding tide to help him swim to the next island the following day at noon (54).
6. The isolation keeps a person away from all negative influences, including people, alcohol, and drugs, so they can think (56).
7. Cole will be reevaluated by the Circle to see if he really has changed for the better. If he hasn't, he will be placed in custody (56).

Section Three: Chapters 7-13

Handout: Prereading Vocabulary p. 23

- | | |
|------|-------|
| 1. e | 7. b |
| 2. g | 8. j |
| 3. a | 9. h |
| 4. l | 10. f |
| 5. c | 11. d |
| 6. i | 12. k |

Handout: Chapter Questions p. 24 – 25

Chapter 7

1. ANSWERS WILL VARY.
2. He creates a spear out of a sapling by sharpening one end with his charred knife blade. He intends to use it to kill Spirit Bear (59).
3. ANSWERS WILL VARY.
4. His lifetime of anger seems to control his muscles and makes him continue (64).
5. Spirit Bear appears to not be afraid of Cole, remaining calm and still as Cole approaches. Cole finds courage in this stillness, but concludes it must be scared or it would attack (63 – 64).
6. ANSWERS WILL VARY.

Chapter 8

1. The bear deflects Cole's spear, then bites into his leg. Cole attempts to stab the bear, but it only makes it bite harder. His pelvis cracks, and Spirit Bear grabs Cole by his arm, swinging him around and breaking his arm. Finally, it stomps on Cole's chest and cracks several of his ribs (65 – 66).
2. No, even after this attack, Cole continues to blame others for his problems, and he can't understand why the bear was not afraid of him (68 – 69).
3. On the island, he was alone, powerless, and without food or warmth. In a prison cell, he felt he was in control and had others worrying about him (71).
4. ANSWERS WILL VARY.
5. Peter wanted someone to smash Cole's head into the sidewalk so he knows how it feels. Cole has experienced this with the attack by Spirit Bear.
6. ANSWERS WILL VARY.

Chapter 9

1. ANSWERS WILL VARY but it is clear that Garvey cares about Cole, as he has gone to considerable efforts to help Cole heal.

2. It is knocked over by a lightning strike (79).
3. ANSWERS WILL VARY.

Chapter 10

1. They tried to return home to their nest. Cole feels envy because, unlike the sparrows, he never really had a place he felt was a home as a child (82).
2. Like the tree, Cole thinks that one lives, dies, and then rots, and out of that rotting new life sprouts. Cole starts to question how the world benefited from his life (83).
3. ANSWERS WILL VARY.
4. He catches a mouse (87).

Chapter 11

1. He eats a mouse, chunks of fish from his own vomit, and more worms. Cole also places mud over his skin to keep the mosquitoes from biting and to soothe his skin, and uses the muddy hole to pool water to drink (88-91).
2. ANSWERS WILL VARY.

Chapter 12

1. ANSWERS WILL VARY.
2. He has accepted it, is happy to have seen beauty in nature, and feels that he had trusted and been trusted in his last encounter with Spirit Bear (97).
3. The sound was the motor of the boat containing Edwin and Garvey.
4. No, it was Edwin and Garvey.
5. They give him something warm to drink, take him on their aluminum skiff back to land, and then drive him to a nurse's station (98 – 100).
6. ANSWERS WILL VARY but could focus on how Cole seems to have come to terms with his anger and now understands his role in life's circle, thus Cole would appear to be speaking of his state of mind, not his physical condition.

Chapter 13

1. For Cole, the blanket has a special significance. When he was alone on the island after Spirit Bear's attack, he longed for the blanket to keep him warm. It also kept him warm after his failed escape attempt from the island.
2. It shows that Cole is accepting responsibility and not blaming others.
3. ANSWERS WILL VARY.
4. He feels that he always had to prove himself when he was lying, and from now on he wants his word to be proof enough (111-112). ANSWERS WILL VARY.
5. ANSWERS WILL VARY.

Section Four: Chapters 14-24

Handout: Prereading Vocabulary p. 33

- | | | |
|----------------|----------------|-----------------|
| 1. gingerly | 8. galvanized | 15. awning |
| 2. composure | 9. gunwhales | 16. rafters |
| 3. resignation | 10. gorge | 17. reverently |
| 4. relinquish | 11. redemption | 18. persistence |
| 5. conjuring | 12. sullen | 19. grimacing |
| 6. writhed | 13. breaching | 20. chop |
| 7. vaulted | 14. irked | |

Handout: Chapter Questions p. 34 – 36

Chapter 14

1. Cole's father was arrested and charged with child abuse. He denied the accusations and quickly paid his bail. Garvey told Cole's mother that she would share the blame for his abuse if she didn't take responsibility and report him (116).
2. Cole's mother has taken to reminding Cole that she loves him (116). She has also quit drinking and started dressing more casually, and apologizes to Cole for all the abuse that he went through and not having tried hard enough to stop it (121).
3. In this case, the cycle of abuse goes from one generation to the next. Cole's grandfather beat Cole's father, and Cole's father beat Cole. Cole, in turn, beat Peter and it is not unreasonable to assume that Cole would have behaved the same way to his future children.
4. The two people missing are Cole's father and Peter (122). ANSWERS WILL VARY.

Chapter 15

1. Peter is experiencing slurred speech and poor coordination (126).
2. Edwin points to a line in the flooring and says it represents a bad path in life that he wants Cole to move away from, and there are two ways to get him away from it. The first way demonstrated was Cole and Edwin pushing at each other while they walked the line. Cole did not get far. The second way was for Edwin to suddenly push Cole away with both hands. Edwin then says there are two ways for people to change – slow and persistent pressure or a single, traumatic experience. Edwin believes that Cole's experience on the island was what pushed him in the right way. He cites the fact that Cole did not come out swinging when Edwin pushed him over as evidence that he is headed in the right direction (127-128).
3. On a fishing expedition, Bernie and others on a boat saw a white bear (129). It would appear to prove that Cole was telling the truth.
4. ANSWERS WILL VARY but could include that she doesn't believe that Cole has changed, or that she is trying to get an anger-filled reaction out of Cole to prove that he is not in control of his anger.

5. He agrees that he is not over his anger, but is a stronger person because he can ask for help and tell the truth (130).
6. That he has been allowed to go back to the island (133). ANSWERS WILL VARY.

Chapter 16

1. Cole has had to sell all of his personal belongings, such as his dirt bike, snowmobile, bicycle, skis, and helmet (134).
2. He says this because Cole must now prove his commitment.
3. Starting a fire, setting up the tent, fixing dinner, and building his shelter with the supplies brought to the island (136).
4. ANSWERS WILL VARY.
5. ANSWERS WILL VARY.

Chapter 17

1. Cole hopes that Peter will be okay (141) which differs from his previous hatred of Peter for reporting him.
2. Edwin tells Cole that the right end of the stick is his happiness, and the left end is his anger. He asks Cole to break off the left end, but the stick will always have a left end, no matter how many times it is broken. The key is to focus on the happiness side, and happiness will become a habit (146).

Chapter 18

1. Cole begins building his shelter (148), which must be built tightly to keep out the weather and the mice (149). Cole must build it himself because this time it is his responsibility and if he again destroys it, he will only be hurting himself (148).
2. Two instances are when he refuses to wear the gloves while building the cabin and when he refuses to admit that he should have eaten more for breakfast (148).
3. Edwin and Garvey are allowing Cole to develop the skills he needs to survive while teaching him about responsibility.
4. Cole realizes that like the whale, he too has no permanent home. Instead, he migrates from place to place (152).
5. Cole and Edwin return to the pond for a soak, then Cole carries a large rock, representing his ancestors, up a hill. His objective is to carry the knowledge of his ancestors up the hill with him. At the top of the hill, Cole is told to now let the rock represent his anger, and let it roll back down the hill (153 – 156).

Chapter 19

1. He claims he is “dog tired” and heads straight for his tent, telling Garvey and Edwin that they can eat cold cereal if they are hungry (158).
2. Garvey tells Cole that they will dismantle the shelter tomorrow and head back to Minneapolis (159). ANSWERS WILL VARY.

3. He learns that you need the help of others (162).
4. He realizes that he will not be able to let go of his anger until he quits blaming others (166).
5. He spots a white shape disappearing into the trees (166).

Chapter 20

1. Cole realizes that the only reason he treats him the way he does is because his father is scared and doesn't know any better (168).
2. ANSWERS WILL VARY.
3. This would indicate that Edwin is starting to trust Cole.
4. ANSWERS WILL VARY.

Chapter 21

1. He could either carve a totem pole out of it, or turn the log into a canoe to escape (179).
2. He begins to carve a canoe, but feels his anger growing, so he instead chops at the log to make it unusable for a canoe, and then begins carving a totem pole with it (180).
3. ANSWERS WILL VARY.
4. He tells Cole that anyone can carve a totem pole, and each pole tells its own story. It is up to Cole to gain the life experiences to carve his own story (183).

Chapter 22

1. Cole bathes then rubs ashes and boughs over himself to make himself invisible in the hopes of seeing the Spirit Bear (186).
2. ANSWERS WILL VARY but it appears that at all these times, Cole had a clear mind.

Chapter 23

1. Cole believes that to be invisible, he has to clear his mind, as being invisible means not being sensed or felt. He concludes this because when he was in the pond, the fish and beaver approached him when he was clear in mind, but when he thought of hurting them, they fled, and that Spirit Bear approached him only when he was near death and had given up trying to be in control (189).
2. He sees Spirit Bear (191).
3. ANSWERS WILL VARY.
4. ANSWERS WILL VARY.

Chapter 24

1. Cole realizes that nobody ever woke up with the desire to be angry, therefore, if he was angry, it was indicative of somebody else controlling him (195).
2. That they are helping him because they need to right past wrongs (196).
3. It would indicate that Cole's thoughts are now clear, as Spirit Bear only appears when Cole has a clear mind.

4. ANSWERS WILL VARY.
5. Cole believes that if Peter came to the island, he could carry the ancestor rock, dance, carve a totem, and perhaps see the Spirit Bear, and that would help Peter change like it helped Cole change (202). ANSWERS WILL VARY.
6. ANSWERS WILL VARY.

Activity Two: Youth Records p. 39 – 41

Questions for Consideration

1. No.
2. How serious the crime was, the sentence received, and whether or not the young person commits another crime while the record is open.
3. For three years after the completion of the sentence.
4. For five years. If the crime is very serious (sexual or violent crimes where weapons were used and/or the victim was injured) it could be ten.
5. They will have a police record showing that they have been in an alternative program due to the committing of a crime. That record will last two years.
6. The record for the first crime will last until the record for the second crime is closed.
7. Yes, if they commit another crime while the youth record is still open.
8. Cole pled guilty to his crimes and was put through an alternative form of sentencing. While the sentencing circle would be considered part of an alternative program, to qualify for the two year rule on a criminal record the whole process must go through an alternative program. Thus, Cole is not eligible for the two year police record. Instead, he would have a criminal record open for five or ten years.
9. If he commits another offence before his record is closed, it could be extended.

Section Five: Chapters 25-28

Handout: Chapter Questions p. 45

Chapter 25

1. Cole suggests that Peter should stay on the island to learn what he learned during his time there (206). Edwin is at first reluctant, but warms up to the idea when he sees how sincere Cole is in his desire to help Peter (207).
2. ANSWERS WILL VARY.
3. Garvey, Edwin, Peter, and Peter's parents (209).
4. ANSWERS WILL VARY.

Chapter 26

1. Cole will sleep in a tent that Edwin brought with him (216).
2. ANSWERS WILL VARY.

3. He pushes the ancestor rock down the hill, steps into the soaking pond, and finally invites Cole into the cabin during a heavy rain (223 – 225).
4. ANSWERS WILL VARY.

Chapter 27

1. Peter says “It doesn’t mean we’re friends” when he allows Cole to sleep in the cabin, walks in muddy boots across Cole’s sleeping bag, knocks his jacket off the hanger, leaves the cabin door open when he exits to go to the bathroom, and destroys the bear carving on Cole’s totem pole (227 – 228).
2. Cole convinces Peter to begin carving his own totem pole (228 – 292).
3. Cole says that the quality of the carvings doesn’t matter, as comparing them is like saying one’s feelings are more important than another’s feelings (231).
4. He carves a new bear where he destroyed the first one (232). ANSWERS WILL VARY.

Chapter 28

1. At first, it appears that Peter may be looking to offer forgiveness to Cole, but he instead tries to start a fight with him (235).
2. Cole states that he’s not going to hurt him anymore (236).
3. ANSWERS WILL VARY.
4. Peter knelt and Cole hugged him. While they are embracing, they spot Spirit Bear (237).
5. ANSWERS WILL VARY.

Touching Spirit Bear *The Novel Study*

As traditional Aboriginal justice concepts move to the forefront of public consciousness, Ben Mikaelson's *Touching Spirit Bear* offers a timely account of a troubled 15-year-old boy who finds himself banished by a sentencing circle to a remote Alaskan island. Created for use with *Touching Spirit Bear*, this novel study examines sentencing circles, traditional Aboriginal justice, and the *Youth Criminal Justice Act*.

Teachers who wish to further explore the concepts of the *Youth Criminal Justice Act* or other areas of youth and the law, and traditional Aboriginal justice concepts should check out the resources available for educators, parents, and students on PLEA's website, at www.plea.org.

