

8-30-2021

Anishinaabe Inaakonigewin: Principles for the Intergenerational Preservation of Mino-Bimaadiziwin

Kekek Jason Stark

Alexander Blewett III School of Law at the University of Montana, kekek.stark@umontana.edu

Follow this and additional works at: <https://scholarworks.umt.edu/mlr>



Part of the Law Commons

Let us know how access to this document benefits you.

Recommended Citation

Kekek Jason Stark, *Anishinaabe Inaakonigewin: Principles for the Intergenerational Preservation of Mino-Bimaadiziwin*, 82 Mont. L. Rev. 293 (2021).

This Article is brought to you for free and open access by the Alexander Blewett III School of Law at ScholarWorks at University of Montana. It has been accepted for inclusion in Montana Law Review by an authorized editor of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

**ANISHINAABE INAAKONIGEWIN: PRINCIPLES FOR THE
INTERGENERATIONAL PRESERVATION OF
MINO-BIMAADIZIWIN**

Kekek Jason Stark*

I.	INTRODUCTION	293	
II.	ANISHINAABE LAW	295	R
III.	MINO-BIMAADIZIWIN – TO LIVE A GOOD LIFE IN HARMONY WITH CREATION	303	R
IV.	SEVEN GRANDFATHER TEACHINGS	306	R
	A. Wisdom	306	R
	B. Love	309	R
	C. Respect	312	R
	D. Bravery	313	R
	E. Honesty	314	R
	F. Humility	315	R
	G. Truth	317	R
V.	TRADITIONAL GOVERNANCE STRUCTURE	318	R
VI.	THE IMPLEMENTATION OF TRADITIONAL LAW PRINCIPLES ...	325	R
VII.	CONCLUSION	337	R
VIII.	APPENDIX	338	R

Anishinaabe-izhichigewinan miinawaa go Anishinaabe gaa-pi-
izhichigewaad mewinzha, geyaabi imaa ayaamad.
(Indian traditions and what the Indian came to do long ago,
it's still there).

– Giniw-Aanakwad Joe Auginaush¹

I. INTRODUCTION

Tribal Nations, as political entities, do not adhere to the same legal philosophy as their settler colonial counterparts.² Many Tribal Nations subscribe to traditional law, which is an “essential source” of tribal jurisprudence.³ As Chief Justice Yazzie of the Navajo Nation Supreme Court explained “traditional laws are fundamental laws of society” and are derived

* Assistant Professor of Law, Alexander Blewett III School of Law at the University of Montana.

1. JOE AUGINAUSH, *Gaawiin Giwanitoosiimin Gidinwewininaan (We're Not Losing Our Language)*, in *LIVING OUR LANGUAGE: OJIBWE TALES & ORAL HISTORY* 156–57 (Anton Treuer ed., 2001).

2. *Williams v. Lee*, 358 U.S. 217, 220–21 (1959).

3. *Hopi Indian Credit Ass'n v. Thomas*, 1996 Hopi App. LEXIS 2, at *2 (Mar. 29, 1996) (explaining that “[t]he customs, traditions, and culture of the Hopi Tribe deserve great respect in tribal courts . . . the essence of our Hopi law, as practiced, remains distinctly Hopi. The Hopi Tribe has a constitution, ordinances and resolutions, but those Western forms of law codify the customs, traditions and culture of the Hopi Tribe, which are the essential sources of our jurisprudence.”).

from “custom – [the] language, ceremonies, teachings and value system” of the Tribal Nation.⁴ The validity of traditional law principles was recognized by the United States Supreme Court in *Jones v. Meehan*.⁵ The ability for tribal courts to utilize traditional law and custom was later recognized in *Colliflower v. Garland*,⁶ where the Ninth Circuit Court of Appeals explained, “the vestige of ‘sovereignty’ that the tribe retains and exercises through its Tribal Council and Tribal Courts may call for [the] application of [different principles].”⁷ This principle was further utilized by the United States Supreme Court in *Williams v. Lee*⁸ where the Court held, “[e]very Indian Nation is free to adopt its own laws and be ruled by them.”⁹

Anishinaabe¹⁰ communities have maintained a rich body of traditional knowledge; however, these principles are often missing in modern day Anishinaabe tribal court application. This Article provides an introductory glimpse into one example of traditional law—the rich and complex Anishinaabe principles that undergird Anishinaabe life, and how these principles may be used to develop and inform Anishinaabe jurisprudence. In the second section, this Article identifies how the foundational principles embedded in Anishinaabe law are derived from the ancestral link tying together the generations through language, traditional stories, and our continuous inter-relationship with the earth. In the third section, this Article establishes how these foundational principles of Anishinaabe law are utilized to live a good life in harmony with all of creation. In the fourth section, this Article establishes how the seven sacred laws of the creation—the seven grandfather teachings consisting of the principles of wisdom, love, respect, bravery, honesty, humility, and truth are utilized as foundational values for achieving harmony and implementing Anishinaabe law principles. In the fifth section, this Article establishes how the traditional governance structure of the Anishinaabe is formed and built upon the tenets embedded within the seven grandfather teachings to develop the principles of culture, clan identity, sovereignty, and leadership. In the final section, this Article analyzes the Little River Band of Ottawa Indians Court of Appeals customary law holding to provide insight into how the complex principles identi-

4. Herb Yazzie, *Navajo Nations' Peacemaking*, in U.S. DEPARTMENT OF JUSTICE & U.S. DEPARTMENT OF INTERIOR, EXPERT WORKING GROUP REPORT: NATIVE AMERICAN TRADITIONAL JUSTICE PRACTICES 4–8 (Maha Jweied ed., 2014).

5. 175 U.S. 1 (1899); see also *Ex Parte Kan-Gi-Shun-Ca* (otherwise known as Crow Dog), 109 U.S. 556 (1883).

6. 342 F.2d 369 (9th Cir. 1965).

7. *Id.* at 379.

8. 358 U.S. at 220–21.

9. *Id.*

10. Anishinaabe is the general term that many Algonquian speaking peoples used to identify themselves including the Ojibwe (Chippewa), Odawa, Potawatomi, Oji-Cree, Saulteaux, Metis, Algonquin, Nipissing, Mississauga and others.

fied in this Article can be utilized by Anishinaabe tribal courts, tribal councils, and Anishinaabe law practitioners as “primary rules” in the development and furtherance of Anishinaabe Jurisprudence. By doing so, we will be able to bring forth the principles that define who we are as Anishinaabe people realizing that we cannot achieve justice if the law is not rooted in our ways of thinking and our ways of being. By including the complex principles identified in this Article in our Anishinaabe Jurisprudence, we will be able to structure our legal systems in a manner that is equitable, inclusive, just, and tethered to the duties and responsibilities we possess as Anishinaabe people.

II. ANISHINAABE LAW

The oral tradition of the Anishinaabe people embodies Anishinaabe law.¹¹ Anishinaabe law is the collective body of principles and values that guide our way of life as Anishinaabe people.¹² Anishinaabe oral traditions encompass our connection to the land through thousands of years of history.¹³ As we recount and share our traditional stories, our way of life is passed down through the generations along an interconnected string entitled *nindaanikoobijiganag*.¹⁴ The concept *aanikoobijigan* is defined as an ancestor, a great-grandparent, and a great-grandchild.¹⁵ This concept is derived from the terms *aanikoobid-* and *-gan*.¹⁶ The term *aanikoobid-* is further broken down by the term *aanikaw-*, which means a link, and *-bid* which means to tie it.¹⁷ The term *-gan* is a nominalizer term.¹⁸ Collectively, the term refers to the ancestral link tying together seven generations from a

11. JOHN BORROWS, *LAW’S INDIGENOUS ETHICS* (2019).

12. JOHN BORROWS, *CANADA’S INDIGENOUS CONSTITUTION* (2010).

13. AARON MILLS, KAREN DRAKE & TANYA MUTHUSAMIPILLAI, *An Anishinaabe Constitutional Order*, in *RECONCILIATION IN CANADIAN COURTS: A GUIDE FOR JUDGES TO ABORIGINAL AND INDIGENOUS LAW, CONTEXT AND PRACTICE* 267 (The Honorable Justice Patrick Smith ed., 2017) (explaining that “[t]he natural world, in its natural state, is not chaotic and lawless. There is no state of nature in the sense of an original, disordered position from which we escape by entering into a social contract to create civil society where we impose human-made laws on each other. On the contrary, all aspects of the natural world are already imbued with law – the Great Laws of Nature – and are ordered. These laws govern all aspects of the natural world, including human life. When these laws are followed, the result is harmony. Importantly – and this is a critical distinction – ‘harmony’ does not mean ‘nonconflict,’ but rather ‘non- disconnection.’ It is a state of shared openness to the gifts and needs of self and of other.”).

14. Great Lakes Indian Fish and Wildlife Comm’n, *Great Lakes Indian Fish and Wildlife Commission 2010 Strategic Plan: Wii Gimawanjii’idimin Gaye Wii Nibawaadaanamin 2* (Jan. 25, 2011) <https://perma.cc/UVQ6-F4KH>.

15. *Aanikoobijigan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/GW89-G8LF> (last visited May 10, 2021).

16. *Id.* 15

17. *Aanikoobidoon*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/L4ED-G3VD> (last visited May 10, 2021).

18. OJIBWE PEOPLE’S DICTIONARY, *supra* note 15.

R

R

great-grandparent to a great-grandchild.¹⁹ As the Anishinaabe people utilize the traditional stories of their great-grandparents and recount them to their great-grandchildren, we are perpetuating the existence of Anishinaabe law through seven generations.²⁰

Language serves as the teacher for the Nation as it embodies our identity, responsibilities, and existence.²¹ The Ojibwe language provides for the intergenerational transference of our cultural and spiritual values, relationships, and identity.²² As Anishinaabe people, the Ojibwe language is a spiritual gift given to the people for our cultural and social communication and is considered our connection to all living things on earth.²³ The Ojibwe language is known as *anishinaabemowin*, or *ojibwemowin*.²⁴ The language “is alive and operates on a different level of consciousness.”²⁵ Utilizing the language establishes a connection with the past and contributes meaning to our existence.²⁶ *Anishinaabemowin* is not just a language in which the Anishinaabe people use to communicate. Within the Ojibwe language lives the ways and life of the Anishinaabe Nation.²⁷ Anishinaabe people are intimately linked to our language for both physical and spiritual well-being.²⁸ Language is the lifeblood of our soul. Through this connection the spirit inside every Anishinaabe holds and releases the language.²⁹ “Each *Ojibwemowin* word is specific and contains a story in its origin that is difficult to effectively translate into English or explain through non-Anishinaabe ideologies.”³⁰ Within the language lies the philosophy of the Ojibwe people.³¹ This philosophy guides the Ojibwe view of the universe and is em-

19. Great Lakes Indian Fish and Wildlife Comm’n, *supra* note 14.

20. JOHN BORROWS, *DRAWING OUT LAW: A SPIRIT’S GUIDE* (2010).

21. BORROWS, *supra* note 11.

22. ANTON TREUER, *THE LANGUAGE WARRIORS MANIFESTO: HOW TO KEEP OUR LANGUAGE ALIVE NO MATTER THE ODDS* (2020); ANTON TREUER, *OJIBWE IN MINNESOTA* 75 (2010).

23. Anton Treuer, *Keeping Legends Alive: Nibaa-Giizhig and Anishinaabe Bimaadiziwin*, 3.2 OSHKAABEWIS NATIVE J. 3 (1996) [hereinafter Treuer, *Keeping Legends Alive*]; ANTON TREUER, *LIVING OUR LANGUAGE: OJIBWE TALES & ORAL HISTORY* 19 (2001) [hereinafter TREUER, *LIVING OUR LANGUAGE*] (Archie Mosay explained the importance of keeping the Ojibwe language alive in relation to religion and prayer, stating “[t]he spirit doesn’t understand me when I use English . . . without the language there is no *Midewiwin*, no Big Drum, and no *Jiisikaan* (Shake Tent Ceremony). Without the Ojibwe language there is no Ojibwe culture.”).

24. *Anishinaabemowin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/8YTL-TJC4> (last visited May 10, 2021); TREUER, *LIVING OUR LANGUAGE*, *supra* note 23, at 19.

25. Great Lakes Indian Fish and Wildlife Comm’n, *supra* note 14.

26. TREUER, *LIVING OUR LANGUAGE*, *supra* note 23, at 5.

27. *Id.*

28. *Id.*

29. *Id.*

30. Great Lakes Indian Fish and Wildlife Comm’n, *supra* note 14.

31. Anton Treuer, *The Importance of Language: A Closer Look*, 4.1 OSHKAABEWIS NATIVE J. 3 (1997).

R

R

R

R

R

R

bodied through traditional ceremonies.³² As Henry Flocken explains, “language, culture, our connection to all living things on earth, our ceremonies, all come together to create an umbilical cord to the land, creation and the creator.”³³

The spiritual teachings, histories, and cultures of the Anishinaabe peoples can be found in our traditional stories referred to as *aadizookaanan*.³⁴ Within these traditional stories, the Ojibwe are taught about how we are to interact with the world.³⁵ As Michael Angel explains,

These *aadizookaanan*, or ‘sacred narratives,’ were passed on orally from generation to generation precisely in order that the Ojibwa would always know who they were, where they had come from, how they fitted into the world around them, and how they needed to behave in order to ensure a long life.³⁶

The *aadizookaanan* are held to be the embodiment of the collective memory of the Anishinaabe.³⁷ These stories involve the *manidoog*,³⁸ the spirits embodied in the Ojibwe worldview and, as a result, they transcend the generations.³⁹ As Henry Schoolcraft explained, “some of these tales, which I have heard, are quite fanciful, and the wildest of them are very characteristic of their emotions and customs. They often take the form of allegory, and in this shape appeared designed to teach some truth or illustrate some value.”⁴⁰ The traditional knowledge of the Anishinaabe is inherently domiciled in the language through *aadizookaanan*.⁴¹

32. Henry Flocken, *Warriors for Gidanishinaabemowininaan*, 3.1 OSHKAABEWIS NATIVE J. 13 (1996).

33. *Id.*

34. *Aadizookaan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/43E8-N3TY> (last visited May 10, 2021); see also Nancy Jones, *Aadizookaanan miinawaa Aadizookaanag*, 3.1 OSHKAABEWIS NATIVE J. 89 (1996).

35. GERALD VIZENOR, *THE PEOPLE NAMED THE CHIPPEWA: NARRATIVE HISTORIES* (1984).

36. MICHAEL ANGEL, *PRESERVING THE SACRED: HISTORICAL PERSPECTIVES ON THE OJIBWA MIDEWIWIN* (2002).

37. TOBASONAKWUT KINIEW, *OJIBWE STORYTELLING LECTURE SERIES AT THE UNIVERSITY OF MINNESOTA* (1998).

38. *Manidoo*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/Y64S-TU9D> (last visited May 10, 2021).

39. A. IRVING HALLOWELL & J.S.H. BROWN, *THE OJIBWA OF BERENS RIVER, MANITOBA: ETHNOGRAPHY INTO HISTORY* (1992).

40. HENRY ROWE SCHOOLCRAFT, *THE AMERICAN INDIANS: THEIR HISTORY, CONDITION AND PROSPECTS, FROM ORIGINAL NOTES AND MANUSCRIPTS* 109 (1851).

41. TREUER, *KEEPING LEGENDS ALIVE*, *supra* note 23, at 3; TREUER, *LIVING OUR LANGUAGE*, *supra* note 23, at 19. (Archie Mosay explained the importance of keeping the Ojibwe language alive in relation to religion and prayer by stating “[t]he spirit doesn’t understand me when I use English . . . without the language there is no *Midewiwin*, no Big Drum, and no *Jiisikaan* (Shake Tent Ceremony). Without the Ojibwe language there is no Ojibwe culture.”).

The notion of Anishinaabe oral tradition is exemplified in the concept *gaagiikidoo gaagii-bi-izhisemaagoowin*.⁴² The oral traditions of the Anishinaabe people are embedded with cultural truths.⁴³ As N. Scott Momaday explains:

At the heart of the oral tradition is a deep and unconditional belief in the efficacy of language. Words are intrinsically powerful. They are magical. By means of words can one bring about physical change in the universe. By means of words can one . . . live in the proper way and venture beyond death. Indeed, there is nothing more powerful.⁴⁴

Through the use of the oral tradition the Anishinaabe people are able to express their identity and being by defining themselves as a people, by passing on their history from generation to generation, and by providing a foundation for Anishinaabe law.⁴⁵ The oral tradition is the culmination of the collective group worldview of the entire Anishinaabe Nation.⁴⁶ The embodiment of Anishinaabe law is weaved into our oral tradition, through the Ojibwe language.⁴⁷

For the Anishinaabe, our connection with the land is embodied in our law.⁴⁸ This principle is represented in the inherent name that the Nation utilizes for ourselves, *Ojibwe-Anishinaabe*.⁴⁹ The origins of this concept are embedded in the roots of these words. There have been many suggestions as to the origins of the term Ojibwe. One of the common suggestions is that the word is derived from the term *inwewinan*,⁵⁰ which references the sacred sound, the sacred language of the Nation.⁵¹ Another suggestion for the ori-

42. DARREN COURCHENE, *Anishinaabe Dibendaagoziwin (Ownership) and Ganawenindiwin (Protection)*, in *INDIGENOUS NOTIONS OF OWNERSHIP AND LIBRARIES, ARCHIVES AND MUSEUMS* 40 (Camille Callison, Loriene Roy & Gretchen Alice LeCheminant eds., 2016).

43. KINEW, *supra* note 37.

44. N. SCOTT MOMADAY, *THE MAN MADE OF WORDS* 15–16 (1997).

45. BORROWS, *supra* note 20.

46. KINEW, *supra* note 37.

47. BORROWS, *supra* note 11; *Halona v. McDonald*, 1 Navajo Rptr. 189, 205 (Navajo 1978) (The Navajo Court explained that it could not “adequately explain” its ruling in English and had to issue part of its ruling from the bench in the Navajo language).

48. John Borrows & Aaron Mills, *Revitalizing Anishinaabe Inaakonigewin (Law): Aadizookaanag Biboon 2016–17: Interim and Final Report* (July 19, 2017) <https://perma.cc/T7HL-QKRY>.

49. Heidi Kiiwetinipinesik Stark, *Nenabozho's Smart Berries: Rethinking Tribal Sovereignty and Accountability*, 2013 MICH. ST. L. REV. 339, 352 (2013); *Ojibwe-anishinaabe*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/JJ5D-7S66> (last visited May 10, 2021); *see also* WUB-E-KE-NIEW, *WE HAVE THE RIGHT TO EXIST: A TRANSLATION OF ABORIGINAL INDIGENOUS THOUGHT, THE FIRST BOOK EVER PUBLISHED FROM AN AHNISHINAHBAEOJIBWAY PERSPECTIVE* (1995); ANTON TREUER, *THE ASSASSINATION OF HOLE IN THE DAY* 33 (1997).

50. *Inwewin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/9AGZ-DARY> (last visited May 10, 2021); *Inwe*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/8LB4-TD68> (last visited May 10, 2021); *-In*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/9GSZ-D7HN> (last visited May 10, 2021); *-We*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/E25W-88WT> (last visited May 10, 2021); *-Win*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/K8M6-5YAM> (last visited May 10, 2021).

51. TREUER, *supra* note 49, at 30–31.

R

R

R

R

R

gin of the concept of Ojibwe is derived from the term *onjibaa wajiw*,⁵² which explains from the mountains we originate: the Appalachian Mountains in the east, an ancient Mountain range in the south that has since been eroded by the Mississippi River, the Rocky Mountains in the west, and the Ice Glaciers in the north that have since receded.⁵³ Collectively these mountain ranges are said to define the territorial homeland for the Nation.⁵⁴ The second part of the concept *Ojibwe-Anishinaabe* is derived from the term Anishinaabe.⁵⁵ This term has also been suggested to encompass many meanings but the common understanding of the term is described as original man (the original people) or more literally “the humble being that was placed upon the land.”⁵⁶ For the Ojibwe Nation, the concept *Ojibwe-Anishinaabe* establishes the Ojibwe notion of sovereignty as this term defines the Nations geographical place plus identity as established through its creation story, the use of its sacred language, and its occupancy within its traditional homeland.⁵⁷

The Anishinaabe implement this principle of sovereignty through the development and implementation of our law. The legal principles of Anishinaabe law are inherently domiciled in our creation story.⁵⁸ The following is an excerpt of the Anishinaabe creation as told by Campbell Papequash:

The Great Spirit beheld a vision. In His wisdom, the Great Spirit understood that His vision had to be fulfilled. He was to bring into being an existence that He had seen, heard, and felt. Out of nothing He made the sacred fire, rock, water and the winds. Into each he breathed the breath of life. On each He gave with His breathe a different essence and nature. Each substance had its own power, which became its soul spirit. From these four substances the Great Spirit created the physical world of sun, moon, and stars. To the sun, the Great Spirit gave the power of light and heat. To the earth, he gave the power of growth and healing. To the waters, He gave the power of purity and renewal. And to the winds, He gave the power of music and the breath of life itself. On earth the Great Spirit formed mountains and valleys, plains

52. *Onjibaa*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/XY99-7SBY> (last visited May 10, 2021); *Wajiw*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/37E7-86VQ> (last visited May 10, 2021).

53. KINEW, *supra* note 37; TREUER, *supra* note 49, at 30.

54. The geographic range of the Anishinaabe Nation encompasses Kansas, Michigan, Minnesota, Montana, North Dakota, Oklahoma, and Wisconsin in the United States as well as the providences of Manitoba, Ontario, and Saskatchewan in Canada. *See, e.g.*, OJIBWE CURRICULUM COMMITTEE, *THE LAND OF THE OJIBWE* (1973).

55. *Anishinaabe*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/NRL8-2EFJ> (last visited May 10, 2021).

56. Dennis Jones, *The Etymology of Anishinaabe*, 2.1 OSHKAABEWIS NATIVE J. 43, 46 (1995); *see also* TREUER, *supra* note 49, at 31–33.

57. Stark, *supra* note 49, at 352; Micheal J. Kaplin, *Proof and Extinguishment of Aboriginal Title to Indian Lands*, 41 A.L.R. FED. 425 (1979) (explaining that place plus identity establishes the test for aboriginal title).

58. EDWARD BENTON-BENAI, *THE MISHOMIS BOOK: THE VOICE OF THE OJIBWAY* 5–9 (1988).

R

R

R

and forests, islands and lakes, bays, and rivers. Everything was in its place. Everything was beautiful. Then the Great Spirit made the plant beings. There were four kinds, flowers, grasses, fruits, and trees. To each He gave a spirit of life, growth, healing, and beauty. Each he placed where it would be the most beneficial and would lend to the earth its great beauty, harmony, and order. After the plant beings the Great Spirit created the animal beings and conferred on each special powers and natures. There were four kinds: crawlers, winged ones, swimmers, and the four-legged beings. Last of all, He made Man. Though last in the order of creation, least in the order of dependence, and weakest in bodily powers, Man had the greatest gift: the power to dream.⁵⁹

For Anishinaabe people as exemplified in this story, all living things on earth come together to create a connective link to the land, to all of creation, and the Great Spirit.⁶⁰ The Anishinaabe recognize creation as *gidakiiminaan*.⁶¹ This concept is defined as “our earth.”⁶² The Anishinaabe have maintained a continuous relationship with creation since time immemorial.⁶³

This continuous inter-relationship to *gidakiiminaan* is demonstrated by Leroy Little Bear:

To us land, as part of creation, is animate. It has spirit. Place is for the inter-relational network of all creation. When we talk of Blackfoot territory, Cree territory or Ojibwe territory, we are really talking about the place where the inter-relational network occurs. Humans don’t own land. We incorporate land into this constant flux, into this inter-relational network that is always happening. Land is the place where the renewal processes occur . . . Land cannot be owned. One can occupy the land for purposes of the inter-relational network. The closest we come to say is “this is the territory where my people live” with regard to observing and being part of the constant flux. The inter-relational network that is forever occurring.⁶⁴

This continuous inter-relationship to *gidakiiminaan* is inherently embedded in the Anishinaabe term for law.

59. JAMES B. WALDRAM, *THE WAY OF THE PIPE: ABORIGINAL SPIRITUALITY AND SYMBOLIC HEALING IN CANADIAN PRISONS* 83–85 (1997); *see also* BASIL JOHNSTON, *OJIBWAY HERITAGE* 12 (1990).

60. Flocken, *supra* note 32.

61. MELVIN EAGLE, *Wenji-Ganawendamang Gidakiiminaan*, in *LIVING OUR LANGUAGE: OJIBWE TALES & ORAL HISTORY* 108 (Anton Treuer ed., 2001).

62. Great Lakes Indian Fish and Wildlife Comm’n, *Gidakiiminaan (Our Earth): An Anishinaabe Atlas of the 1836 (Upper Michigan), 1837, and 1842 Treaty Ceded Territories*, <https://perma.cc/28ZZ-SHLL> (last visited May 10, 2021). *See also* Aki, *OJIBWE PEOPLE’S DICTIONARY*, <https://perma.cc/U7NU-KRCN> (last visited May 10, 2021).

63. Grand Council Treaty #3, *Manito Aki Inaakonigewin*, <https://perma.cc/3CLH-7VNP> (last visited May 10, 2021).

64. LEROY LITTLE BEAR, *Aboriginal Relationships to the Land and Resources*, in *SACRED LANDS: ABORIGINAL WORLD VIEWS, CLAIMS, AND CONFLICTS* 18 (Jill Oakes, Rick Riewe, Kathi Kinew & Elaine Maloney eds., 1998).

The Anishinaabe term for law is *onaakonigewin*.⁶⁵ According to Harry Bone, this concept originates from the Anishinaabe pipe ceremony.⁶⁶ The concept *onaakonige*, is derived from the terms *onaakon-* and *-ge*.⁶⁷ The term *onaakon-* is further broken down by the term *on-*, which means to arrange or form, *-aakw-* which means something stick-like or wooden, and *-in*, which means by hand.⁶⁸ The term *-ge* means to act.⁶⁹ Collectively, the term refers to the act of arranging or pointing something sticklike by hand.⁷⁰ This principle refers to the act of pointing the pipe stem, as part of a pipe ceremony, in acknowledgment to the cardinal directions and the various parts of creation.⁷¹ The act of the pipe ceremony embodies our inter-relationship to *gidakiiminaan* and is imbedded in our term for law, as the act “reminds us that we are a part of creation and that we have to honor creation each and every day.”⁷² The Anishinaabe term for law, *onaakonigewin*, is connected to our creation story through the establishment of the “Great Laws of Nature.”

Campbell Papequash explains the establishment of the “Great Laws of Nature” as part of the Anishinaabe creation story as follows:

The Great Spirit then made the Great Laws of Nature for the wellbeing and the harmony of all things and all creatures. The Great Laws governed the world, and movement of the sun, earth, moon and the stars. The Great Laws of Nature governed the fire, rock, water, and winds. The Great Laws governed the rhythm and continuity of birth, life, growth, and decay. All things lived and worked by these laws. . . There are four orders in creation: the physical world, the plant world, the animal world, and the human world. All four parts are so intertwined, and they make up life and one whole existence. With less than the four orders, life and being are incomplete and unintelligible. No one portion is self-sufficient or complete . . . each component of creation derives its meaning from and fulfils its function and purpose within the context of the whole creation. It is only by the relationship of the four orders that the world has sense and meaning. Without animals and plants, Man would have no meaning, nor would he have much more meaning if he were not governed by some immutable law. There is a natural law.

65. *Onaakonigewin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/B3AL-38FM> (last visited May 10, 2021).

66. COURCHENE, *supra* note 42, at 42 (explaining that “[t]he term *onaakonigewin* (law) comes directly from the pipe ceremony: *inoo’ige* (to point) is the original stem word for *onaakonigewin* and describes how you point the pipe in a specific order and directions”).

67. *Onaakonige*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/YW8J-5FXT> (last visited May 10, 2021).

68. *Onaakonon*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/QK7Z-5WDL> (last visited May 10, 2021).

69. OJIBWE PEOPLE’S DICTIONARY, *supra* note 65.

70. *Id.* 63; *see also* COURCHENE, *supra* note 40, at 42 (explaining that “[t]he term *onaakonigewin* (law) comes directly from the pipe ceremony: *inoo’ige* (to point) is the original stem word for *onaakonigewin* and describes how you point the pipe in a specific order and directions”).

71. COURCHENE, *supra* note 42, at 42.

72. *Id.*

R

R

R

R

It is the law that everyone is ruled by, including all things in creation. It is an absolute law. It is a law that has no mercy. It is a law that will always prevail. The basis of this great law is peace . . . Before he can abide by this law, human beings must understand the framework of the ordinances of creation.⁷³

Through this narrative, the Anishinaabe understand the “Great Laws of Nature” as the embodiment of creation, as Anishinaabe law.

For the Anishinaabe, our law is broken into four areas or categories.⁷⁴ The categories collectively produce *Anishinaabe-inaakonigewin*, Anishinaabe law.⁷⁵ The first area of Anishinaabe law encompasses *manidoo-inaakonigewin*.⁷⁶ This concept is defined as spirit law, or the Creator’s law.⁷⁷ The second area of Anishinaabe law encompasses *gaagige-inaakonigewin*.⁷⁸ This concept is defined as eternal law, or “the rights and responsibilities intrinsic to the belief systems of the Anishinaabeg.”⁷⁹ The belief systems of the Anishinaabe as embodied in the term *gaagige-in-*

73. WALDRAM, *supra* note 59, at 83–85; *see also* JOHNSTON, *supra* note 59, at 12.

74. COURCHENE, *supra* note 42, at 43. (quoting DORIS PRATT, HARRY BONE & THE TREATY AND DAKOTA ELDERS OF MANITOBA WITH CONTRIBUTIONS BY THE ASSEMBLY OF MANITOBA CHIEFS COUNCIL OF ELDERS, 1 UNTUWE PI KIN HE (WHO WE ARE): TREATY ELDER’S TEACHINGS 32–33 (2d ed. 2014) (According to elder D’Arcy Linklater, the Cree understand these Anishinaabe law principles as follows: “Kwayaskonikiwin means that the conduct of a person must be reconciled with Kiche’othasowewin (the great law of the Creator [natural law]); kistehichikewin means that the conduct of a person must be based on the sacred responsibility to treat all things with respect and honour . . . ; aski kanache pumenikewin means that the conduct of a person must be in accordance with the sacred duty to protect n’tuskenan [the land, life, home, and spiritual shelter entrusted to us by kihche’manitou for our children michimahch’ohchi (since time immemorial)]; ethinesewin which means traditional knowledge, including the influence of moons and seasons on climate, weather, animals, plants, and ethiniwuk (individuals) as well as seasonal harvesting cycles and practices. There is a duty to respect and seek ethinesewin; n’totumakewin means that a person must seek not to be understood but to first understand. It establishes a duty to teach as well as to understand and to share as well as to seek ethinesewin; aakwamisiwin means that a person must be caution of his or her action where there is uncertainty; oh’chinewin means that what a person does to nature will come back to that person; aniskowatesewew kanache pumenikewin means that a person must act in accordance with the sacred responsibility to protect heritage resources . . .”).

75. KINEW, *supra* note 37; Restoule v. Canada, 2018 ONSC 7701, Elder Kelly Tr., Vol. 21 at 2866–67, 2934 (Nov. 1, 2017) [hereinafter Kelly Transcript]; LEO BASKATAWANG, KINAMAADIWIN INAAKONIGEWIN: A PATH TO RECONCILIATION AND ANISHINAABE CULTURAL RESURGENCE 90 (2021) (explaining that Anishinaabe Inaakonigewin is also referred to as customary law); *see also* BORROWS, *supra* note 12, at 51 (“Customary law can be defined as those practices developed through repetitive patterns of social interaction that are accepted as binding on those who participate in them. Customary laws are often inductive meaning that observations of specific behavior often lead to general conclusions about how to act; as a result, the obligations they produce are regularly implied from a society’s surrounding context”).

76. COURCHENE, *supra* note 42, at 41; KINEW, *supra* note 37.

77. COURCHENE, *supra* note 42, at 41; KINEW, *supra* note 37; *see also* BORROWS, *supra* note 12, at 24 (“Laws can be regarded as sacred if they stem from the Creator, creation stories or revered ancient teachings that have withstood the test of time. When laws exist within these categories they are often given the highest respect”); BASKATAWANG, *supra* note 75, at 89.

78. COURCHENE, *supra* note 42, at 42.

79. *Id.*

R
R

R

R
R

R

aakonigewin can be further explained by the principle “*Minik igo giizis bimosed, minik gegoo ji-nitaawigik, minik nibi ge-bimijiwang. Mii’iye gaagige-onakonigewin.*”⁸⁰ This concept is understood to mean “as long as the sun shines, grass grows, and the waters flow, that’s eternal law.”⁸¹ The third area of Anishinaabe law encompasses *gete-inaakonigewin*.⁸² This concept is defined as traditional law.⁸³ The fourth classification of Anishinaabe law encompasses *zaagimaa-inaakonigewin*. This concept is defined as natural law.⁸⁴ Anishinaabe law, as produced from these four categorical areas, is “instructive in nature” and is embodied in *anishinaabemowin*, the language; *aadizookaanan*, traditional stories; *dibaajimowin*, personal narratives; and *izhitwaawin*, Anishinaabe culture.⁸⁵

III. MINO-BIMAADIZIWIN – TO LIVE A GOOD LIFE IN HARMONY WITH CREATION

For the Anishinaabe, we exist as a part of creation. The essence of this existence, as an embodiment of the principles of *Anishinaabe-inaakonigewin*, is to live in harmony.⁸⁶ For the Anishinaabe, the concept of achieving harmony in life, to live in balance with all of creation is expressed by the term *mino-bimaadiziwin*.⁸⁷ The concept of *mino-*

80. *Id.* (quoting DORIS PRATT, HARRY BONE & THE TREATY AND DAKOTA ELDERS OF MANITOBA WITH CONTRIBUTIONS BY THE ASSEMBLY OF MANITOBA CHIEFS COUNCIL OF ELDERS, 1 UNTUWE PI KIN HE (WHO WE ARE): TREATY ELDER’S TEACHINGS vol.1, 32–33 (2d ed. 2014)).

81. *Id.*

82. KINEW, *supra* note 37; BASKATAWANG, *supra* note 75, at 89.

83. KINEW, *supra* note 37; BASKATAWANG, *supra* note 75, at 89.

84. KINEW, *supra* note 37; BORROWS, *supra* note 12, at 28 (“Indigenous peoples also find and develop law from observations of the physical world around them. When considering laws from this source, it is often necessary to understand how the earth maintains functions that benefit us and all other beings. This approach to interpretation attempts to develop rules for regulation and conflict resolution from a study of the world’s behavior. Law in this vein can be seen to flow from the consequences of creation or the ‘natural’ world or environment”).

85. COURCHENE, *supra* note 42, at 43–44.

86. *Spurr v. Tribal Council*, No. 12-005APP (Nottawseppi Huron Band of Potawatomi 2012), <https://perma.cc/E6UE-LXLR> (stating that “[a]ll aspects of the natural world are imbued with law – the great laws of nature – and are ordered. These laws govern all aspects of the natural world, including human life. When these laws are followed, the result is harmony.”).

87. *Cholewka v. Grand Traverse Band of Ottawa and Chippewa Indians Tribal Council*, No. 2013-16-AP (Grand Traverse Band of Ottawa and Chippewa Indians App. Ct. 2014) (a case involving a disenrollment challenge, the Grand Traverse Band of Ottawa and Chippewa Indians Appellate Court upheld the Tribal Council and Membership Department’s decision to disenroll the Appellants. In its reasoning the court relied upon the principle of *mino-bimaadiziwin* as follows: “While in this case the Appellants have lost the legal standing to be enrolled members of the Grand Traverse Band, our decision changes nothing regarding their family’s history and their real belonging to the tribe and the community. Appellants are not banished from the area, nor are they forbidden from practicing their culture or language; they remain as much a part of the community as they wish. The actions of all parties involved moving forward should embody *mino-bimaadiziwin*; after all, formal tribal enrollment is only a small part of living as an Anishinaabe.”). *See also* Snowden v. Saginaw Chippewa Indian Tribe of Michigan,

R
R
R

R

bimaadiziwin is literally defined as to “live a good life.”⁸⁸ This concept stems for the terms; *minw-* which means good, or well and the term *bimaadizi* which means to live.⁸⁹ The term *bimaadizi* is further broken down with the following stems: *bim-*, which means along in space or time, *-aad-* which means of being or life, character or nature, and *-izi*, which means s/he is in a state or condition.⁹⁰

The principles of *mino-bimaadiziwin* are attained through the assistance of all of creation, both on a physical and spiritual level.⁹¹ Henry Flocken reiterates this idea as he explained “it is through close intimate relationships with the Spirits that *Bimaadiziwin* is achieved.”⁹² A. Irving Hallowell describes this understanding as follows:

The central concept of the good life and the highest value is *pîmâdâzîwin*, life in the fullest sense; life in the sense of health, longevity, and well-being, not only for one’s self, but one’s family. *Pîmâdâzîwin* is a word heard again and again in ceremonies, and the supernaturals are petitioned for it. It is made possible primarily only through supernatural help, by “blessings” from guardian spirits.⁹³

32 Indian L. Rep. 6047 (App. Ct. of the Saginaw Chippewa Indian Tribe of Mich. 2005) (quoting *Chamberlain v. Peters*, 27 Indian L. Rep. 6085, 6097 (App. Ct. of the Saginaw Chippewa Indian Tribe of Mich. 2000)) (The Appellate Court of the Saginaw Chippewa Indian Tribe of Michigan addressed whether the Tribal Council’s power to disenroll currently enrolled members is limited to the narrow grounds expressly identified in the Tribal Constitution and if not, what are the constitutional boundaries in establishing (substantive) grounds for disenrollment. The Court held that implied Constitutional power to disenroll is limited to matters of fraud and mistake and that due process requires that the exercise of such implied power must be established in appropriate tribal ordinance. The Court reasoned: “Tribal membership involves not only constitutional statutes, but it also serves as the ultimate indication of cultural belonging. With this in mind, we urge the parties, as we did in the *Chamberlain* case, to place themselves in the heart of Native American jurisprudence by ‘healing, restoring balance and harmony, accomplishing reconciliation, and making social relations whole again.’”).

88. DONALD J. AUGER, *THE NORTHERN OJIBWE AND THEIR FAMILY LAW* 118–19 (2001).

89. *Mino-bimaadiziwin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/6G5Z-NP8C> (last visited May 10, 2021).

90. *Bimaadizi*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/DY4R-4YE3> (last visited May 10, 2021).

91. AUGER, *supra* note 88, at 118–19 (explaining that “[t]he Ojibwe term for living a good life is expressed by the term, *bimadisiwin*, or *pimadizewin*, which means ‘life in the fullest sense, life in the sense of longevity, health and freedom from misfortune’”).

92. GINIWIIZHIG HENRY FLOCKEN, *AN ANALYSIS OF TRADITIONAL OJIBWE CIVIL CHIEF LEADERSHIP* 31 (2013).

93. Lawrence W. Gross, *Bimaadiziwin, or the “Good Life,” as a Unifying Concept of Anishinaabe Religion*, 26.1 AM. INDIAN CULTURE & RES. J. 15, 18 (2002) (quoting A. IRVING HALLOWELL, *PSYCHOSEXUAL ADJUSTMENT, PERSONALITY, AND THE GOOD LIFE IN A NONLITERATE CULTURE IN CULTURE AND EXPERIENCE* 294 (Schocken Pbk. ed., 1967); *see also* A. IRVING HALLOWELL, *OJIBWA ONTOLOGY, BEHAVIOR, AND WORLD VIEW IN TEACHING FROM THE AMERICAN EARTH: INDIAN RELIGION AND PHILOSOPHY* 171 (Dennis Tedlock & Barbara Tedlock eds., 1975).

R

The concept of *mino-bimaadiziwin* is the central goal of Anishinaabe existence and, as an embodiment of the essence of creation, flows through every aspect of Anishinaabe life.⁹⁴

The principles of *mino-bimaadiziwin* should be utilized to interpret and develop *Anishinaabe-inaakonigewin*.⁹⁵ This will allow Anishinaabe tribal courts and justice systems the ability to bring the principles of *mino-bimaadiziwin* into the modern era in the context of modern disputes, without creating confusion as to its application. The Nottawseppi Huron Band of Potawatomi Supreme Court acknowledged, “*Mino-bimaadiziwin* is not a legal doctrine but forms the implicit basis for much of tribal custom and tradition and serves as a form of fundamental law.”⁹⁶ Lawrence Gross reiterated this principle as follows:

Bimaadiziwin, however, does not exist as a definitive body of law. Instead, it is left up to the individual to develop an understanding of *bimaadiziwin* through careful attention to the teaching wherever it can be found. This makes the term quite complex, and it can serve as a religious blessing, moral teaching, value system, and life goal.⁹⁷

As a result of this complexity, the principles of *mino-bimaadiziwin* as a fundamental law of the Anishinaabe are achieved through the application of the seven sacred laws of creation—the seven grandfather teachings.⁹⁸

94. Gross, *supra* note 93, at 19 (explaining that “[t]he teaching of *bimaadiziwin* operates at many levels. On a simple day-today basis, it suggests such actions as rising with the sun and retiring with the same. Further, *bimaadiziwin* governs human relations as well, stressing the type of conduct appropriate between individuals, and the manner in which social life is to be conducted. *Bimaadiziwin* also covers the relationship with the broader environment. So, for example, it teaches the necessity of respecting all life, from the smallest insects on up.”).

95. In re Validation of Marriage of Francisco, No. A-CV-15-88, 1989 Navajo Sup. LEXIS 4 (Aug. 2, 1989) (The Navajo Nation Supreme Court synthesized this principle: “[T]he concept of justice has its source in the fabric of each individual society. The concept of justice, what it means for any group of people, cannot be separated from the total beliefs, ideas, and customs of that group of people.”).

96. Spurr v. Tribal Council, No. 12-005APP (Nottawseppi Huron Band of Potawatomi 2012) (the Nottawseppi Huron Band of Potawatomi Supreme Court addressed a tribal member challenge seeking to enjoin an election from being held pursuant to the amendment article of the Tribe’s Constitution. In addressing the merits, the court utilized the principle of *mino-bimaadiziwin* (*mno-bmadzewn* as the term is depicted in the Potawatomi language) as follows: “We harken back to our consideration of Mno-Bmadzewn, and we find that the government’s boundaries of acceptable conduct in administering an Article IX election are broad, but not unlimited . . . So long as the government’s conduct respects, as we believe it does here, elections as expression of the community’s will, we will not intervene.”).

97. Gross, *supra* note 93, at 19.

98. KELLY TRANSCRIPT, *supra* note 75 (stating that “[a]ccording to Elder Fred Kelly, two of the organizing principles of Anishinaabe law and systems of governance were *pimaatiziwin* (life), where everything is alive and everything is sacred, and *gizhewaadiziwin* (the way of the Creator), which encompasses the seven grandfather teachings or seven sacred laws of creation”).

R

R
R

IV. SEVEN GRANDFATHER TEACHINGS⁹⁹

The Anishinaabe attempt to live in a good way, in balance with all of creation in accordance with the principles of *mino-bimaadiziwin*, through the application of the seven sacred laws of the creation—the seven grandfather teachings.¹⁰⁰ Larry Stillday explained, “the Seven Grandfather Teachings are gifts or blueprints for living a good life. Each Teaching is a gift of knowledge for the learning of values and living by those values.”¹⁰¹ The seven grandfather teachings consist of: Wisdom, Love, Respect, Bravery, Honesty, Humility, and Truth.¹⁰²

A. *Wisdom*

For the Anishinaabe, the idea of achieving wisdom in life is contained in the concept *nibwaakaawin*.¹⁰³ This term is defined to mean wisdom.¹⁰⁴ This concept is derived from the term *nibwaakaa-* which means that the individual is wise, the individual is intelligent.¹⁰⁵ The notion of wisdom has also been expressed through the additional term of *gikendaasowin*.¹⁰⁶ The

99. *Niizhwaaso-Gimishoomisinaanig-Gikinoo'amaagewinan*. See, e.g., COURCHENE, *supra* note 42, at 42.

100. KELLY TRANSCRIPT, *supra* note 75.

101. Margarette L. Kading, Miigis B. Gonzales, Kaley A. Herman, John Gonzalez & Mellisa L. Walls, *Living a Good Way of Life: Perspectives from American Indian and First Nation Young Adults*, 64.1–2 AM. J. COMMUNITY PSYCHOL. 21 (2019).

102. *Spurr v. Spurr*, No. 17-287-APP (Nottawaseppi Huron Band of Potawatomi 2018), <https://perma.cc/PDY8-AJVB> (In deciding the issue of protection orders, the Nottawaseppi Huron Band of Potawatomi Supreme Court relied upon the Anishinaabe traditional story often referred to as the “Blue Garter” as persuasive authority and utilized the traditional concept of *Niizhwaaso-Gimishoomisinaanig-Gikinoo'amaagewinan* (*Noeg Meshomsenanek Kenomagewenwn* as referenced in the Potawatomi dialect) as follows: “We draw from this story [Blue Garter] the principle that a parent-child or mentor-mentee relationship can go terribly wrong. Persons with greater experience and wisdom can and should guide and assist younger, more inexperienced persons. But older persons must also be guided by the *Noeg Meshomsenanek Kenomagewenwn*.”). There are variations from Anishinaabe community to Anishinaabe community as to which values are represented in the seven grandfather teachings or seven sacred laws of creation, or where the teaching is used at all. For more information on community variations of the seven grandfather teachings or seven sacred laws of creation, see Mark F. Ruml, *The Indigenious Knowledge Documentation Project – Morrison Sessions: Gaagige Inaakonige, The Eternal Natural Laws*, 30.2 RELIGIOUS STUD. & THEOLOGY 155, 165 (2011).

103. *Culture and Traditions*, MILLE LACS BAND OF OJIBWE, <https://perma.cc/RVU6-WDJR> (last visited May 10, 2021); see also Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

104. *Nibwaakaawin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/CJU9-BZ6J> (last visited May 10, 2021)

105. *Nibwaakaa*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/7R9C-MPTD> (last visited May 10, 2021).

106. Leanne Betasamosake Simpson, *Land as Pedagogy: Nishinaabeg Intelligence and Rebellious Transformation*, 3.3 DECOLONIZATION: INDIGENITY, EDUC. & SOC'Y 1, 12 (2014).

R

R

R

concept *gikendaasowin* is also defined as knowledge.¹⁰⁷ This concept is derived from the root term *gikendaaso* which means for a person to know, to be smart, to be intelligent, and to be educated.¹⁰⁸ The term *gikendaaso* is further broken down with the following stems: *gik-*, which means to know, and *-end*, which means to act by thought on it, to perceive by thought on it, and to feel in the mind.¹⁰⁹ Leanne Simpson explained the principle of seeking knowledge as a means of achieving wisdom as follows:

Within a Nishnaabeg epistemology, spiritual knowledge is a tremendous, ubiquitous source of wisdom that is the core of every system in the physical world. The way we are taught to access that knowledge is by being open to that kind of knowledge and by being engaged in a way of living that generates a close, personal relationship with our ancestors and relations in the spirit world through ceremony, dreams, visions and stories. The implicate order does not discriminate by gender, by age, by ability, or any of those things. The implicate order only cares if you believe; if you're living your life in an engaged way. If we are open to this, then knowledge will flow through us based on our own actions, our name, clan, and helpers and our own self-actualization, as long as we uphold these responsibilities.¹¹⁰

The ability to acquire knowledge as a means of achieving wisdom is integrally linked to our relationship with the earth and all of creation.

As part of the Anishinaabe creation story, Campbell Papequash explains how the “Great Law of Nature” interconnects all things on earth:

There is a natural law. It is the law that everyone is ruled by, including all things in creation. It is an absolute law. It is a law that has no mercy. It is a law that will always prevail. The basis of this great law is peace . . . Before he can abide by this law, human beings must understand the framework of the ordinances of creation.¹¹¹

As Anishinaabe, we can achieve wisdom through their understanding of the “ordinances of creation” by observing the earth and all of creation. This is reflected in the concept *gikinawaabiwin*.¹¹² This term is defined to mean to look at and to watch everything, to learn by observation.¹¹³

The concept *gikinawaabiwin* is broken down with the following stems; *gikinaw-*, which means to know, to recognize, and *-aabi*, which means to

107. *Gikendaasowin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/Q6G7-75CQ> (last visited May 10, 2021); see also *Gikendamowin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/KP6X-FU5V> (last visited May 10, 2021).

108. *Gikendaaso*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/9Q85-HN5S> (last visited May 10, 2021).

109. *Gikendan*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/7G9G-VFM5> (last visited May 10, 2021); *Gikendam*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/5RFE-QFUL> (last visited May 10, 2021).

110. Simpson, *supra* note 106.

111. WALDRAM, *supra* note 59; see also JOHNSTON, *supra* note 59, at 12.

112. BORROWS, *supra* note 11, at 38; Simpson, *supra* note 106, at 14–15.

113. *Gikinawaabi*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/R8J3-ZQNL> (last visited May 10, 2021).

look, has such vision, has an eye as such a state or condition.¹¹⁴ Literally, the term *gikinawaabiwin* means the act of seeing everyone and everything through observation. This concept is further expressed through the concept *gikinoo'amaage* (*akinoomaage*).¹¹⁵ This concept is defined as to teach¹¹⁶ and is derived from the root term *gikinoo'amaw-*, which means to teach it to someone, to let someone know about it.¹¹⁷ John Borrow explains that this term is derived from the root terms *aki*, which means earth, and *noomaage*, which means to point towards and take direction from.¹¹⁸ Literally, *gikinoo'amaage* (*akinoomaage*) acknowledges the earth and all of creation's ability to teach us, and for us to gain wisdom by paying attention and observing our surroundings.

As Anishinaabe, our ability to gain wisdom through *gikinawaabiwin* is understood through the story detailing the origin of our clans.¹¹⁹ The Anishinaabe at one time were not relating to *aki*, the earth in a way that properly acknowledged our interconnected relationship.¹²⁰ This created great imbalance and the Earth was flooded.¹²¹ When the Earth was created anew, the animals stood up for the Anishinaabe, they vouched for us and said they would teach us how to act, how to live, and how to relate to creation.¹²² The animals created a relationship with the Anishinaabe, the *doodem* (clan) system, and through this relationship they took responsibility for our actions and taught us lessons about the earth and all of creation.¹²³ The animals taught us how to hunt, fish, and gather our natural resources.¹²⁴ They also taught us which of these resources could be used for food, for utilitarian purposes, as well as for medicinal, spiritual and ceremonial purposes.¹²⁵

114. *Id.*

115. BORROWS, *supra* note 11, at 38.

116. *Gikinoo'amaage*. OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/397R-CL6R> (last visited May 10, 2021).

117. *Gikinoo'amaw*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/GSZ3-FZJ6> (last visited May 10, 2021).

118. BORROWS, *supra* note 11, at 38; SIMPSON, *supra* note 106, at 14–15.

119. See BENTON-BENAI, *supra* note 58, at 74–78; RUTH LANDES, OJIBWA SOCIOLOGY 31–52 (1969); WILLIAM W. WARREN, *History of the Ojibway People* 41–53 (1984); JOHNSTON, *supra* note 59, at 59–79; JAMES DUMONT, ANISHINAABE IZHICHIGEWIN 27–42 (1999); Heidi Bohaker, *Reading Anishinaabe Identities: Meaning and Metaphor in Nindoodem Pictographs*, 57.1 ETHNOHISTORY 11, 11–33 (Winter 2010) [hereinafter Bohaker, *Reading Anishinaabe Identities*]; Heidi Bohaker, *Nindoodemag: The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600–1701*, 63.1 WM. & MARY Q. 23, 23–49 (2006) [hereinafter Bohaker, *Algonquian Kinship*].

120. JOHNSTON, *supra* note 59, at 13.

121. *Id.*

122. Nancy Jones, *Ogimaawigwanebiik Mashkiki-Awesiiyag*, in DIBAAJIMOWINAN: ANISHINAABE STORIES OF CULTURE AND RESPECT (2013).

123. *Id.*

124. *Id.*

125. *Id.*

R

R

R

R

R

B. Love

For the Anishinaabe, the idea of achieving love in life is contained in the concept *zaagi'idiwin*.¹²⁶ This term is defined to mean mutual love.¹²⁷ This concept is derived from the term *zaagi'idi-* and is further broken down with the following stems: *zaag-*, which means to treasure, to love, -' which means to cause someone to be or to act, and *-idi*, which is a reciprocal term.¹²⁸ Mark Ruml suggests that the term *zaagi'* (*zhaagi* as the term is utilized in his work) is broken down with the following stems of *zhaa*, which means a spark, a light that is sparked up, and *-gi*, which means it is given. He explains:

And this is the warmth, the love of Creation. Creator gave us this and it belongs inside of us and we all have it. And when I say that we all have this teaching we all have a light inside of us, it is a ball of energy that is connected to all the lights of the world. Everything, the rocks, the water, the birds, the animals the trees, all the vegetation, they all have a spark of light inside of them where we can connect to each other and know that the greatest power in the world is through this energy. *Zhaa* is a spark that has been given and it is in our heart that Creator shoots a light from the sky that comes to us and hits us in our eyes and hits our heart. And it shoots down into the ground and shoots back up, back and forth constantly. And that spark of life walks and journeys here on earth with the power and knowledge of earth and sky. That's how we fit into this world, through love. That's what love is, love is to love everything that has a spark of life inside of it. All of life is precious.¹²⁹

This understanding of the “love of creation” as warmth is further understood through the many terms that utilize the stem *zaag-*.¹³⁰ One particular example is the concept *zaagimaa*.¹³¹ This concept has various interpretations but the principle understanding of the term is translated as sacred or as a reference to all of creation. This understanding is exemplified in the terms *zaagimaa-inaakonigewin*, the concept of natural law and *zaagimaa-manidoo*, another term for the creator but also a term that is used for the

126. *Culture and Traditions*, *supra* note 103; *see also* Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

127. *Zaagi'idiwin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/WU4V-M9S3> (last visited May 10, 2021).

128. *Zaagi'idiwag*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/33W4-V5NL> (last visited May 10, 2021); *Zaagi*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/H7VR-G46H> (last visited May 10, 2021).

129. Mark F. Ruml, *The Indigenous Knowledge Documentation Project – Morrison Sessions: Gaagige Inaakonige, The Eternal Natural Laws*, 30.2 RELIGIOUS STUD. & THEOLOGY 155, 164 (2011).

130. *See* BORROWS, *supra* note 11.

131. The etymology of the term *zaagimaa* is embedded in name of my wife, *zaagimaakwe* (*saagimaakwe* as the name was given to her) and the associated story and teachings associated with her name.

R
R

R

sun.¹³² The sun, through its release of light, heat, and energy provides warmth and life-giving energy as an act of “love of creation.”

Another example of an act of “love of creation” is contained in the concept *zaagajiwe*, which means to come out, or emerge over a hill. This concept is derived from the stems *zaag-*, which means to treasure, to love, *-ajiw* which means mountain or hill, and *-e*, which is an incorporating term.¹³³ The idea of *zaag-* as an act of love can be explained through the etymology of the term *zaagajiwe*.¹³⁴ The story that relates to this term is that one evening a turtle was cresting a hill. The moon noticed this little creature, and for thirteen nights out of an act of love and kindness, the moon came down and kissed the turtle’s back. As an acknowledgment of this encounter, the turtle was given the thirteen plates on its back as well as the establishment of the thirteen moons of the Anishinaabe calendar.

The principle of reciprocity or mutuality is a core tenet of the concept of *zaagi’idiwin*, through the use of the stem *-idi*, which is a reciprocal term.¹³⁵ The understanding of this principle is that the act of love is reciprocal, in that it is mutually shared by all parties engaged in the act.¹³⁶ This concept is understood by the story of the Council of the Animal Nations.¹³⁷ In this story, the Animal Nation is called to a great council to identify how they will provide for the Anishinaabe.¹³⁸ Lee Staples explains:

Ishke ingiw nitam gaa-nakodangig wii-naadamawaawaad inow Anishinaaben ishkweyaang gaa-ayaanijn I’iwapii gii-moonenimind a’aw Anishinaabe ezhi-gidimaagizid i’iw bimaadiziwin. It was the animals that first came forward and agreed to help the Anishinaabe when they realized how pitiful the Anishinaabe were.¹³⁹

The theme that transcends this story is how the animals love us and will provide for us as long as we reciprocally extend our love and respect to them. Lee Staples details this understanding as follows:

Geget a’aw Anishinaabe omanaajitoon gakina gegoo wenjida i’iw gaa-mi-ingoowiziyang ge-inanjigeyang anishinaabewiyang. The Anishinaabe treats

132. Grand Council Treaty #3, *supra* note 63.

133. *Zaagajiwe*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/6AKM-XCGC> (last visited May 10, 2021).

134. The etymology of the term *zaagajiwe* is embedded in name of my daughter, *zaagajiwe-gaabawik* (*saagachiiwegaabawik* as the name was given to her) and the associated story and teachings associated with her name.

135. OJIBWE PEOPLE’S DICTIONARY, *supra* note 127.

136. Simpson, *supra* note 106.

137. Jones, *supra* note 122; JOHNSTON, *supra* note 59, at 59–79.

138. Jones, *supra* note 122; JOHNSTON, *supra* note 59, at 59–79.

139. Lee Obizaan Staples & Chato Ombishkebines Gonzalez, *Oshki-Nitaaged a’aw Abinoojiinh: A Child’s First Kill in Ge-Naadamaagoowizid A’aw Anishinaabe Abinoojiinh* 68 (2015) (unpublished manuscript).

R

R

R

R

R

everything respectfully especially the foods we were given to eat as Anishinaabe.¹⁴⁰

As expressed in this excerpt, the relationship with the Animal Nations is based upon mutual love, respect, and kindness. As the Anishinaabe engage in the act of love and respect, the act is reciprocated and likewise provided by the Animal Nations to the Anishinaabe by providing of themselves so we can be well and live a good life.¹⁴¹

According to Lee Staples, the notion of love is also expressed through the term *zhawenim*, which means to bless, pity, show loving-kindness, unconditional love, mercy, and compassion for a person.¹⁴² The term *zhawenim* is derived from the root terms *zhaw-*, which means to pity, bless, and the term *-enim*, which means an act by thought on someone, to feel about someone.¹⁴³ He also utilizes the term *zhawenindiwig*, which means they bless and pity each other, they have mercy and compassion for each other, and they show loving-kindness and unconditional love for each other.¹⁴⁴ The concept *zhawenindiwig* is derived from the same term *zhawenim* and the reciprocal term *-idi*.¹⁴⁵ This act of reciprocal love is further expressed by the term *zhawenjige* (*zhawenim izhichige*), which means “you will be pitied, or have mercy placed upon you in your actions and what you are doing.”¹⁴⁶ John Borrows explains:

The idea behind this word is that when we acknowledge our relations with the world, and our responsibilities to each other, then we will all be blessed or find love and compassion. We will be nourished, sustained and taken care of. The idea of *zhawenjige* is said to be part of an old treaty the Anishinaabe made with the animals. As long as we love them they will provide for us and teach us about love and how to live well in the world.¹⁴⁷

This principle has been further expressed using the concept *gaa-izhizhaawendaagoziyang*, which John Borrows explains the term’s literal meaning as follows “compassion for another in one’s thoughts and mind. It has a connotation of bestowing kindness, mercy, and aid. It includes ideas of pity, empathy, and deep unconditional love.”¹⁴⁸

140. Staples & Gonzalez, *supra* note 139.

141. Jones, *supra* note 122 (explaining that “[m]ii imaa, mii iye bezhig ge-niin ge-izhi-waa-wiiji’ag aw anishinaabe ji-onji- . . . ji-onji-mino-ayaad ji-onji-mino-bimaadizid. This is one way that I too can help the Anishinaabe so that they will be well and have a good life”).

142. LEE OBIZAAN STAPLES, SPIRITUALITY FROM AN ANISHINAABE PERSPECTIVE 1–2 (2009); *see also* *Zhawenim*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/W54F-XHR9> (visited May 20, 2021).

143. OJIBWE PEOPLE’S DICTIONARY, *supra* note 142.

144. STAPLES, *supra* note 142; *see also* *Zhawenindiwig*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/Z3UM-L2JS> (last visited May 10, 2021).

145. OJIBWE PEOPLE’S DICTIONARY, *supra* note 144.

146. BORROWS, *supra* note 11, at 40.

147. *Id.*

148. *Id.*; *see also* WENDY MAKOONS GENIUSZ, OUR KNOWLEDGE IS NOT PRIMITIVE: DECOLONIZING BOTANICAL ANISHINAABE TEACHINGS 67 (2009).

R

R

R

R

R

R

C. *Respect*

For the Anishinaabe, the idea of achieving respect in life is contained in the concept *manaadendamowin*.¹⁴⁹ This term is defined to mean that an individual thinks about it in a respectful manner.¹⁵⁰ This concept is derived from the term *manaad-*, which means spare, respect, honor, and the term *-inendam*, which is further broken down with the following stems of *in-*, which means thus, in a certain direction, in a certain manner, and *-end-*, which means to act by thought on it, perceive it by thought, to feel in the mind.¹⁵¹ Literally, *manaadendamowin* means to act in a certain manner with thoughts of respect and honor upon it, to act in a certain manner with the perception of respectful thoughts upon it, and act in a certain manner with the feeling of respect in the mind.

The principle of reciprocity or mutuality is a core tenet of the concept of *manaaji'idiwin*, which is defined as they respect each other.¹⁵² This concept is derived from the terms *manaad-*, which means spare, respect, honor; the term which means causes a person to act; and the stem *-idi*, which is a reciprocal term.¹⁵³ The understanding of this principle is that the act of respect is reciprocal, in that it is mutually shared by all parties engaged in the act.¹⁵⁴

The concept of respecting all of creation and thus achieving respect in life is explained by Lee Staples:

We are taught that each and every one of us would not exist on this Earth without a power or spirit watching over us. We are told to be mindful of this and to treat each other respectfully, because to do damage to another person would be comparable to doing direct damage to the power or spirit watching over that person . . . I encourage other Anishinaabe and all people to acknowledge and offer their respect to the powers in the environment and the universe while doing their very best to treat others with the utmost respect. Doing this as often as possible on a daily basis can only bring a peaceful feeling to your spirit.¹⁵⁵

149. *Culture and Traditions*, *supra* note 103; *see also* Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

150. *Manaaji'*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/8F95-HBAB> (last visited May 10, 2021).

151. *Id.*; *Inendam*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/FN38-NAEN> (last visited May 10, 2021).

152. *Manaaji'*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 150; *Idiwag*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/R5MG-DPUT> (last visited May 10, 2021).

153. *Manaaji'*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 150; *Idiwag*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 152.

154. *Manaaji'*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 150; *Idiwag*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 152.

155. STAPLES, *supra* note 142.

R
R

R

R

R

R

R

R

The notion of achieving respect in life is ultimately achieved when we embody the concept of respecting all of creation. As Mark Ruml explained, “Respect is at its greatest when we live it. When we live it, and I stress this very, very strongly, is to know all of these Seven Teachings, is to be all the Seven Teachings all at once in balance with ourselves.”¹⁵⁶

D. Bravery

For the Anishinaabe, the idea of achieving bravery and courage in life is contained in the concept *aakwaade'ewin*.¹⁵⁷ This term is defined to mean that the individual is intense of heart, fierce of heart.¹⁵⁸ This concept is derived from the term *aakw-*, which means intense, fierce, and the term *-aad*, which means of being or life, character or nature; *-de'*, which means heart, and *-e*, which is an incorporating term.¹⁵⁹ Literally, *aakwaade'ewin* means to engage life from the heart in an intense manner, to live life from the heart with a fierce character and exhibit an intense nature of being from the heart.

The notion of living life with bravery and courage in life has also been expressed through the additional term of *zoongide'ewin*.¹⁶⁰ The term is defined to mean that a person is brave of heart, courageous of heart.¹⁶¹ The term is derived from the term *zoong-*, which means strong, firm and the term *-de'*, which means heart, and *-e*, which is an incorporating term.¹⁶² Literally, *zoongide'ewin* means to engage life from the heart in a strong manner, to live life from the heart with a firm character and exhibit a strong nature of being from the heart.

The concept of living life with a strong, intense, and fierce character from the heart thereby achieving bravery and courage in life is explained by Mark Ruml:

So every time your heart beats it contracts it receives all these messages and vibes that are throughout the world. And you also give every time it beats

156. Ruml, *supra* note 129, at 165.

157. *Culture and Traditions*, *supra* note 103; *see also* Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

158. *Aakw-*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/HZ3K-8SDK> (last visited May 10, 2021); *-Aad-*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/6W9N-RPCF> (last visited May 10, 2021); *Ode'*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/3XJ6-HEHB> (last visited May 10, 2021); *-E*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/G8QJ-PKYU> (last visited May 10, 2021).

159. *Aakw-*, OJIBWE PEOPLE'S DICTIONARY *supra* note 158; *-Aad-*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 158; *-Ode'*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 158; *-E*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 158.

160. *Zoongide'ewin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/DJ6J-S24L> (last visited May 10, 2021).

161. *Id.*

162. *Zoongide'e*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/9AFP-MCEC> (last visited May 10, 2021).

R
R
R

R
R
R

and extracts outwards it gives off a feeling as well so that other hearts, and each heart, whether it's an animal, a fish, a bird, understands this and knows this for true what it really is and how we can speak universally without having to say a word to one another, we can understand each other. That's simply putting it.

As the Anishinaabe engage life from the heart, we are exuding our firm character and exhibiting our strong nature of being thereby exemplifying the principles of living life with bravery and courage.

E. Honesty

For the Anishinaabe, the idea of achieving honesty in life is contained in the concept *gwayakwaadiziwin*.¹⁶³ This term is defined to mean that the individual is a good person, that the person leads a good life, that the person has a good character, and that the person is honest.¹⁶⁴ This concept is derived from the term *gwayakw-*, which means straight, correct, and the term *-aadizi*, which is derived from the term *bimaadizi*, which is further broken down with the following stems: *bim-*, which means along in space or time, *-aad-*, which means of being or life, character or nature, and *-izi*, which means s/he is in a state or condition.¹⁶⁵ Literally, *gwayakwaadiziwin* means to live life in a correct manner, to live with a correct character, and to exhibit a correct nature.

The notion of honesty has also been expressed through the additional terms of *gwayakobimaadiziwin* and *gwayakochigewin*. The term *gwayakobimaadiziwin* is essentially the same term as *gwayakwaadiziwin* and is derived from the same root terms.¹⁶⁶ The concept *gwayakochigewin* is also defined as accountability. The term is derived from the term *gwayakw-*, which means straight, correct, and the term *-chige*, which is derived from the term *izhichige*, which means a certain way of doing something, an activity, a deed.¹⁶⁷ Literally, the term *gwayakochigewin* means to act in a correct manner or to do things in a correct manner.

To be honest is to live your truth, your dream. Campbell Papequash explains the origins of this teaching as part of the Anishinaabe creation story as follows: “As Last of all, He made Man. Though last in the order of

163. *Culture and Traditions*, *supra* note 103; *see also* Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

164. *Gwayako-bimaadiziwin*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/9ZKB-E5Q2> (last visited May 10, 2021).

165. *Id.*; *Gwayako*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/VT8G-EPV7> (last visited May 10, 2021); *Bimaadizi*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 90.

166. OJIBWE PEOPLE'S DICTIONARY, *supra* note 164.

167. *Gwayako*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 165; *Izhichige*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/4UFP-BRS7> (last visited May 10, 2021); *Izhitoon*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/KD6D-XXRA> (last visited May 10, 2021).

R
RR
R
R

creation, least in the order of dependence, and weakest in bodily powers, Man had the greatest gift: the power to dream.”¹⁶⁸ To seek your dream and to live your dream is to live your truth according to the principles of Anishinaabe law. This idea is explained in the concept *Ando-bawaajigen*.¹⁶⁹ This concept is composed of the terms *ando*, which is derived from the stem *nandw-*, which means to seek, and *bawaajige*, which means to dream, and is further broken down with the following stems of *bawaad-*, which is derived from *bawaadan* (which means to dream of it), and *-ge*, which means to act.¹⁷⁰ Leanne Simpson explained the principle of seeking your dream as a means of acquiring truth through knowledge as follows:

The process in which Gzhwe Manidoo created the world is the process by which Nishnaabeg people come to know. Coming to know is a mirroring or a re-enactment process where we understand Nishnaabeg epistemology to be concerned with embodied knowledge animated, collectively, and lived out in a way in which our reality, nationhood and existence is continually reborn through both time and space. This requires a union of both emotional knowledge and intellectual knowledge in a profoundly personal and intimate spiritual context. Coming to know is an intimate process, the unfolding of relationship with the spiritual world. Coming to know also requires complex, committed, consensual engagement. Relationships within Nishnaabewin are based upon the consent – the informed (honest) consent – of all beings involved.¹⁷¹

As a person strives to achieve honesty in life, by living their truth, they are then accountable to themselves, to their clan, to their additional relatives (expanded kinship network), to their Band, to the Nation, and to all of creation.

F. Humility

For the Anishinaabe, the idea of achieving humility in life is contained in the concept *dabaadendizowin*.¹⁷² The idea of humility in life has also been expressed as *dabasenindizowin*.¹⁷³ These concepts are derived from

168. WALDRAM, *supra* note 59, at 83–85; *see also* JOHNSTON, *supra* note 59, at 12.

169. TOBASONAKWUT KINAW, LET THEM BURN THE SKY: OVERCOMING REPRESSION OF THE SACRED USES OF ANISHINAABE LANDS, IN SACRED LANDS: ABORIGINAL WORLD VIEWS, CLAIMS, AND CONFLICTS 33–34 (Camille Callison, Loriene Roy & Gretchen Alice LeCheminant eds., 2016) (“Seek your dream, live your dream, understand your dream, and move forward with your dream.”).

170. *Nandw-*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/33U7-LZ7S> (last visited May 10, 2021); *Bawaajige*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/29B2-6LGG> (last visited May 10, 2021); *Bawaadan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/N8YY-SC3P> (last visited May 10, 2021); *Ge*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/9ZRL-Q3AV> (last visited May 10, 2021).

171. Simpson, *supra* note 106, at 15.

172. *Culture and Traditions*, *supra* note 103; *see also* Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

173. COURCHENE, *supra* note 42, at 43.

R

R

R

R

R

the same root terms *dabasend-* and *-izi*.¹⁷⁴ The initial term *dabasend-* is a stem of *dabasendan*, which means to hold it in low regard and is further broken down by *dabas-*, which means low, and *-end*, which means to act by thought in it, to perceive it by thought, and to feel in mind.¹⁷⁵ The term *-izi* means s/he is in a state or condition.¹⁷⁶ Literally, *dabasenindizowin* means to act according to the state or condition of thought, mind, and perception in a low regard.

This term is utilized to express the understanding that an individual is a single part of creation and that they are dependent upon all of creation to survive.¹⁷⁷ Campbell Papequash explains this notion as part of the Anishinaabe creation story as follows:

There are four orders in creation: the physical world, the plant world, the animal world, and the human world. All four parts are so intertwined, and they make up life and one whole existence. With less than the four orders, life and being are incomplete and unintelligible. No one portion is self-sufficient or complete . . . each component of creation derives its meaning from and fulfils its function and purpose within the context of the whole creation. It is only by the relationship of the four orders that the world has sense and meaning. Without animals and plants, Man would have no meaning . . . Man must seek guidance outside himself.¹⁷⁸

Through this narrative, the Anishinaabe are able to understand the principle of humility as Anishinaabe law. As explained by Darren Courchene, “to know humility is to know that there is a Great Spirit and he is the creator of all life, and therefore he directs all life.”¹⁷⁹

The understanding that an individual is a single part of creation and is dependent upon all of creation to survive as an expression of humility was described by Lee Staples as follows:

If we take a look at Anishinaabe life as it was years ago, we can see that the Anishinaabe were given a built-in daily spiritual program. For their dwellings, they had wigwams. Spirituality played an important role in the construction of these wigwams. As the people picked the small trees such as ironwood to use as rafters for the outline of these wigwams, they stopped to acknowledge the spirit or power within those trees. They offered their tobacco and gratitude for the availability of these trees to be used in this way. If it was birchbark they decided to use as covering for the wigwam, again

174. *Dabasendan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/EVX8-CRTM> (last visited May 10, 2021).

175. *Dabas-*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/8BDU-JRPD> (last visited May 10, 2021); *-End*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/RT9Y-WWSH> (last visited May 10, 2021).

176. *-Izi*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/35BV-HXGN> (last visited May 10, 2021).

177. WALDRAM, *supra* note 59, at 83–85; *see also* JOHNSTON, *supra* note 59, at 12.

178. WALDRAM, *supra* note 59, at 83–85; *see also* JOHNSTON, *supra* note 59, at 12.

179. COURCHENE, *supra* note 42, at 43–44 (explaining that “[t]he Anishinaabe was always to act in humility; one was to always think about their family, their fellow man, and their community before they thought of themselves.”).

they acknowledged a power greater than themselves – that of a birch tree. For a siding to the wigwam, if it was the broad leaf reeds that they wanted to use, an offering would go to the spirit within the lake from which these reeds were gathered. For the bulrushes used as mats in these wigwams, again they did their offering . . . The list could go on and on pointing to the many times the Anishinaabe acknowledged those powers greater than themselves. They did so as they gathered the food to feed themselves and others in the community, as they gathered the medicinal herbs, and as they went about their seasonal activities of the wild rice harvest, tapping trees for the maple syrup, and berry picking.¹⁸⁰

Through this example, the Anishinaabe are able to understand the principle of humility as an act of kindness or generosity.

The notion of generosity, as an extension of humility, has been expressed through the concept of *gizhewaadiziwin*.¹⁸¹ The term is derived from the term *gizhew-*, which means kind, and the term *-aadizi*, which is derived from the term *bimaadizi*, which is further broken down with the following stems: *bim-*, which means along in space or time, *-aad-*, which means of being or life, character or nature, and *-izi*, which means s/he is in a state or condition.¹⁸² Literally, the term *gizhewaadiziwin* means to act in a kind manner, or to do things in a kind manner.

G. Truth

For the Anishinaabe, the idea of obtaining truth in life is contained in the concept *debwewin*.¹⁸³ This concept is derived from the root term *debwe*, which means truth, and is further broken down by the stems *deb-*, which means enough, adequate, and *-we*, which means to act.¹⁸⁴ Another suggestion is that the root term *debwe* derived from *-de* (which is in turn derived from the term *ode*, which means heart) and *-bwe*, which means the echoing of it.¹⁸⁵ This refers to the sound of the echoing of the heart. Mark Ruml explains this interpretation as follows: “truth can be known and detected

180. STAPLES, *supra* note 142, at 1–2.

181. *Gizhewaadiziwin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/6NYG-8M3F> (last visited May 10, 2021).

182. *Gizhewaadizi*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/FG3G-6HML> (last visited May 10, 2021); *Gizhew*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/4UG5-PYY5> (last visited May 10, 2021); *Aad-*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 158; *-Izi*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 176; *-Win*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 50.

183. *Debwewin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/5NC2-ARX5> (last visited May 10, 2021); *Culture and Traditions*, *supra* note 103; *see also* Kading, Gonzales, Herman, Gonzalez & Walls, *supra* note 101.

184. OJIBWE PEOPLE’S DICTIONARY, *supra* note 183; *Debwe*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/Q4LV-Q9VH> (last visited May 10, 2021); *Deb-*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/747C-3Z97> (last visited May 10, 2021); *We*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 50; *-Win*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 50.

185. RUML, *supra* note 129, at 164; *see also* LEANNE SIMPSON, DANCING ON OUR TURTLE’S BACK: STORIES OF NISHNAABEG RE-CREATION, RESURGENCE AND A NEW EMERGENCE 17 (2011).

R

R

R

R

R

R

R

R

R

through the beat of the heart and through the voice of the person and how the person speaks. We are all like tuning forks all over this world and each and every one of us receive these vibrations and we also give vibrations, and this is how we can know the truth ultimately.”¹⁸⁶

In order to find truth, the Anishinaabe were provided a way of gaining insight from the *manidoog*, the spirits.¹⁸⁷ When the Anishinaabe wanted to know something, to learn things, we were instructed to use our tobacco, to use our songs, and use our ceremonial bundles (items). This concept is recognized as *gikendamaazod*.¹⁸⁸ This concept is derived from the root term *gikendam*, which means for a person to know or have knowledge, and the root term *-zo*, which is a reflexive term.¹⁸⁹ The term *gikendam* is further broken down between *gik-*, which means to know, and *-end*, which means to act by thought on it, to perceive by thought on it, and to feel in the mind.¹⁹⁰ This term describes the way our ancestors learned things from the spirits and acquired truth.

The principles of truth are inherently incorporated into Anishinaabe forms of reaching consensus on important decisions. Pursuant to Anishinaabe governance, each representative that possesses the responsibility to make a decision on behalf of their constituents is allowed the ability to make an informed decision based upon their ability to gain their own insight on the matter, often using the concepts embedded in *gikendamaazod*. Once this insight was obtained, the representative would share their “truth” on the matter. After each representative was able to share their position on a matter, each of the individual truths would merge to form the collective understanding, the collective truth, of the governing body.¹⁹¹

V. TRADITIONAL GOVERNANCE STRUCTURE

For the Anishinaabe, we exist as a part of creation and the essence of this existence is to live in harmony with all of creation pursuant to the principle of *mino-bimaadiziwin*, as achieved through the implementation of the seven grandfather teachings or seven sacred laws of creation.¹⁹² These seven grandfather teachings are the bedrock principles through which An-

186. RUML, *supra* note 129, at 164; *see also* SIMPSON, *supra* note 185.

187. OJIBWE PEOPLE’S DICTIONARY, *supra* note 38.

188. KINEW, *supra* note 37.

189. *Gikendam*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 109; *Gik*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/RDE8-WTL6> (last visited May 10, 2021); *-End*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 175; *-Zo*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/GJK4-AAW3> (last visited May 10, 2021).

190. OJIBWE PEOPLE’S DICTIONARY, *supra* note 181.

191. SIMPSON, *supra* note 185, at 58; SIMPSON, *supra* note 106.

192. KELLY TRANSCRIPT, *supra* note 75.

R
R
R
R
R
R
R

ishinaabe culture is formed and *Anishinaabe-inaakonigewin* (Anishinaabe law) is then developed.

For the Anishinaabe, the idea of Anishinaabe culture is contained in the concept *Anishinaabe-izhitwaawin*.¹⁹³ The concept of *izhitwaawin* is defined as a certain way of belief, a religion, a culture.¹⁹⁴ This term is derived from the root term *izhitwaa*, which is further broken down into *in-*, which means thus, in a certain direction, in a certain manner, and *-twaa*, which means belief, way of life.¹⁹⁵ Through the existence and embodiment of *Anishinaabe-izhitwaawin* is the manifestation of Anishinaabe harmony and well-being.

The elements of *Anishinaabe-izhitwaawin* are implemented through kinship relationships. As Donald Auger explains, “the value of social harmony was instilled in an individual from birth and throughout his life by other members of the community, and in particular by members of his family and kinship group.”¹⁹⁶ For the Anishinaabe, the idea of kinship relations is contained in the concept *indinawemaaganidog*.¹⁹⁷ This concept is defined as all my relations.¹⁹⁸ This term is derived from the root term *inawemaagan*, which is defined as a relative, a kinsman and is further broken down into *inawem-*, which means to be related to a particular person(s), and *-aagan*, which is a nominalizer term.¹⁹⁹ This concept reaches beyond our blood relatives and extends to all of our relatives in creation, both physical and spiritual. As Leroy Little Bear explains, “everything has a spirit, everything is capable of relating. In the Native view, all of creation is interrelated.”²⁰⁰

Within the principle that we are related to all of creation is embedded the notion of reciprocity. This is evidenced by the term *inawendiwag*, which means they are related to each other.²⁰¹ This term is derived from the following stems: *inawem-*, which means to be related to a particular person(s),

193. *Anishinaabe-izhitwaawin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/Z7NX-M2KJ> (last visited May 10, 2021).

194. *Izhitwaawin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/M37Z-ZET6> (last visited May 10, 2021).

195. *Izhitwaa*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/66YW-A5D4> (last visited May 10, 2021); *-In*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 50; *-Twaa*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/N7JV-A443> (last visited May 10, 2021) *-Win*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 50.

196. AUGER, *supra* note 88, at 118–19.

197. *Inawemaagan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/L3VX-9SMT> (last visited May 10, 2021).

198. *Id.*

199. *Inawem*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/3LBC-7LT8> (last visited May 10, 2021); *-Aagan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/SKK4-92YB> (last visited May 10, 2021).

200. LITTLE BEAR, *supra* note 64.

201. *Inawendiwag*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/ELC3-7K9P> (last visited May 10, 2021).

R
R
R

R

and *-idi*, which is a reciprocal term.²⁰² The understanding of this principle is that the act of relating is reciprocal in that it is mutually shared by all parties engaged in the act.²⁰³ As Leanne Simpson explains, “Anishinaabe existence is ultimately dependent upon intimate relationships of reciprocity, humility, honesty and respect with all elements of creation, including plants and animals.”²⁰⁴ Dennis Whitebird explains our reciprocal kinship relationship with all of creation as follows:

The land provided all our basic necessities, and one of the teachings was to live in harmony with nature. That’s the sacredness of this land. We have a relationship that directly connects us to this land because we came from there. It is our responsibility to respect that land. When we talk about this relationship we mean with our Father, our Mother Earth, our Grandfather Sun, our Grandmother Moon, as well as our brothers and sisters being the animals and the birds and the fish. That is our relationship, that is sacredness, because in our teachings we are taught to respect one another, we are taught to respect ourselves.²⁰⁵

Through this narrative, the Anishinaabe understand our reciprocal kinship relationship with all of creation, as we lived in harmony with nature.

An important kinship relationship for the Anishinaabe was the concept *niiyawen’enh*.²⁰⁶ This concept is defined as namesake.²⁰⁷ This term is derived from the root term *niiyaw-*, which is defined as my body.²⁰⁸ As Anton Treuer explains,

When someone gave a name, the name giver gave part of his or her spiritual essence and put it into the body of the name recipient, making them spiritually related for life. The name giver then functioned as a spiritually connected family member blessed with the same dream or vision that informed the given name. The term *niiyawen’enh* is used reciprocally and is shortened in some communities to just *wen’enh*, but still retaining the cultural and spiritual value.²⁰⁹

Another important kinship relationship for the Anishinaabe was the concept *bami’aagan*.²¹⁰ This concept is defined as the adopted one.²¹¹ This

202. *Inawem*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 199.

203. Simpson, *supra* note 106, at 12.

204. *Id.* at 8.

205. DENNIS WHITE BIRD, TREATY LAND ENTITLEMENT IN MANITOBA: EXPERIENCES IN NEGOTIATING, IN SACRED LANDS: ABORIGINAL WORLD VIEWS, CLAIMS, AND CONFLICTS 40–41 (Jill Oakes, Rick Riewe, Kathi Kinew & Elaine Maloney eds., 1998).

206. See TREUER, *supra* note 49, at 13; BENTON-BENAI, *supra* note 58, at 5–9; JOHNSTON, *supra* note 59, at 141–48; FRANCES DENSMORE, CHIPPEWA CUSTOMS 52–58 (1929); AMIK LARRY SMALLWOOD, OJIBWE NAMES ARE SPIRIT NAMES 1–2 (2009).

207. *Niiyawen’enh*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/7BUK-GPMJ> (last visited May 10, 2021).

208. *Niiyaw*, Ojibwe People’s Dictionary, <https://perma.cc/3SJ5-U8LF> (last visited May 10, 2021); *Iiyaw-*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/LP93-C3F5> (last visited May 10, 2021).

209. TREUER, *supra* note 49, at 13.

210. See White Earth Band of Ojibwe, *Title 4(a) Customary Adoption Code*, <https://perma.cc/Q8K8-4PW5> (last visited May 10, 2021); LANDES, *supra* note 119, at 5–30; Heidi Kiiwetinipinesiik Stark,

R
R

R
R

R

R

term is derived from the root term *bami'*, which is defined as to provide for, to nurture, to look after, to support, and to adopt.²¹² Adoption is a traditional practice which acknowledges a person as having established a permanent kinship relationship such as parent/child, brother/sister, or grandparent/grandchild, with someone other than the person's blood relative.²¹³ It is a fundamental Anishinaabe belief that all relatives of the various communities are the sacred responsibility of the Nation.²¹⁴

One way that the Anishinaabe strived to live in harmony with all of creation as relatives was through their established systems of governance.²¹⁵ How we interacted with nature, based upon our kinship principles, directly mirrored and informed how we interacted with each other.²¹⁶ For the Anishinaabe, our traditional governance structure existed through the *doodem* (clan) system.²¹⁷ The concept *doodem* is defined as clan, totem.²¹⁸ This term is derived from *-de*, which is derived from the term *ode'*, (which means heart) and *-doodoosh*, which means breast and connotes from where one gets their sustenance.²¹⁹ Literally, the term *doodem* defines from whence we get our spiritual sustenance, our spiritual existence.²²⁰ As Anton Treuer explains,

Among the Ojibwe, clans defined the core of one's spiritual essence. Just as *ode* was the heart of one's physical being, *doodem* was the heart of one's metaphysical being . . . The clan is the center of spiritual identity.²²¹

The *doodem* (clan) system establishes reciprocal spiritual and kinship obligations amongst each other in acknowledgment of our obligations as established in the Treaty with Creation as implemented through the "Great Laws

Marked by Fire: Anishinaabe Articulations of Nationhood in Treaty Making with the United States and Canada, 36.2 AM. INDIAN Q. 119 (Spring 2012).

211. *Bami'aagan*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/45ZP-293F> (last visited May 10, 2021).

212. *Bami'*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/GSU3-M3D9> (last visited May 10, 2021); *Bami'aagan*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 211.

213. LANDES, *supra* note 119, at 5–30.

214. White Earth Band of Ojibwe, *supra* note 210.

215. FLOCKEN, *supra* note 92.

216. KATHY IVERY KINEW, MANIDOO-GITIGAAN: GOVERNANCE IN THE GREAT SPIRITS GARDEN (1995).

217. See BENTON-BENAI, *supra* note 58, at 74–78; LANDES, *supra* note 119, at 31–52; WARREN, *supra* note 119, at 41–53; JOHNSTON, *supra* note 59, at 59–79; DUMONT, *supra* note 119, at 27–42; Bohaker, *Reading Anishinabbe Identities*, *supra* note 119, at 11–33; Bohaker, *Algonquian Kinship*, *supra* note 119, at 23–49.

218. *Doodem-*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/HL9A-XZ8Q> (last visited May 10, 2021).

219. *Ode'*, OJIBWE PEOPLE'S DICTIONARY, *supra* note 158; *Doodoshim-*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/VND2-DLWH> (last visited May 10, 2021); JOHNSTON, *supra* note 59, at 61.

220. JOHNSTON, *supra* note 59, at 61 (Doodem means "that from which I draw my purpose, meaning, and being").

221. TREUER, *supra* note 49, at 72.

R

R

R

R

R

R

R

R

R

R

R

R

of Nature.”²²² This relationship was strengthened by *zaagi’idiwin*, the mutual love that we have with each other through our “love of creation.”²²³

As explained previously, our stories commonly acknowledge animals as teachers and guides of the Anishinaabe. They taught us many valuable lessons associated with our environment. Through the origin stories of the *doodem* (clan) system, the animals created a relationship with the Anishinaabe, and through this relationship they took responsibility for our actions and taught us lessons about the earth and all of creation.²²⁴

Long before humans existed on this Earth, the Elders say, the Creator spoke with the animals and asked them to help the first people as they began their journey to this earth. The first people were pitiful creatures, who were reliant on the animals to survive. Not only did the animals help the people survive, they taught them to live in harmony and balance with all of creation. The animals taught them how to maintain order among the people, and how to govern within an equitable social and political structure.²²⁵

The Animal Nations committed to teach us how to love and live through them and established a very close relationship between the people and our relatives.²²⁶ As such, the *doodem* (clan) system was pivotal in structuring “religious, social, and political life.”²²⁷

The *doodem* is a form of kinship relation for the Anishinaabe.²²⁸ *Doodem* identity was passed through the father. Members of the same *doodem*, no matter how many miles apart, are one’s brothers and sisters and are expected to extend hospitality, food, and lodging to each other.²²⁹ Since Anishinaabe people belong to a tribe (band) and to the Anishinaabe Nation, *doodem* relationships help unite the various Ojibwe tribes as one nation through recognition of the principle that wherever we travel within *Anishinaabe-akiing* (our traditional territories),²³⁰ there is always a place for

222. JOHNSTON, *supra* note 59, at 59–79.

223. RUMI, *supra* note 129, at 164.

224. *See* JOHNSTON, *supra* note 59, at 59–79; Jones, *supra* note 122.

225. BRENNOR JACOBS, DAUGHTERS, SISTERS, MOTHERS & WIVES: AN ANISHINAABE READER 24 (2019).

226. TREUER, *supra* note 49; *see also* JOHNSTON, *supra* note 59, at 59–79; Jones, *supra* note 122.

227. TREUER, *supra* note 49.

228. *See* CHRISTOPHER VERSEY, TRADITIONAL OJIBWAY RELIGION AND ITS HISTORICAL CHANGES 78 (1983); JOHN TANNER, CAPTIVITY OF JOHN TANNER 314 (1994) (explaining that “[t]he totem was given . . . at the time of creation and was used as a way to distinguish relationships and lack of relationships”).

229. J. G. E. SMITH, LEADERSHIP AMONG THE SOUTHWESTERN OJIBWA 15 (1973) (explaining that “[t]he long-term integration of neighboring bands by providing identity, hospitality in distant areas, cooperation in warfare and the hunt and the transmission of chiefship contributed to social cohesion and order”).

230. *Aki*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 62.

R

R

R

R

R

R

us and an attached reciprocal responsibility for all of us through the clan system.²³¹ As Patricia Mcguire explained,

The clans helped to establish relationships between various bands, enabled inter-community cooperation and political coordination as well as the advancement of the leadership. Clans helped regulate societies. Societal life for the Anishinaabe was based upon both the demarcation and connective relationships between clans. This contributed to the overall social organization and governance of the Anishinaabe. Clans functioned at the individual and communal levels.²³²

The *doodem* (clan) system uses various animals as symbols for the clans.²³³ The animals' characteristics provide an identity and define roles and responsibilities for members of each *doodem* including the following functions of traditional Anishinaabe society: leadership, defense, hunting, learning, and medicine.²³⁴ Basil Johnston explains that the term *doodem* therefore describes "action and duty serving as inspiration" for governance.²³⁵ It is through the *doodem* (clan) system, that we learned how to actualize the seven grandfather teachings and achieve *mino-bimaadiziwin* through our traditional governance structure.²³⁶

In the implementation of our traditional governance structure, each of the clans selected *ogimaag* to implement the Bands governance system and to represent the interests of the clan at the national council.²³⁷ The concept *ogimaa(g)* is defined as a leader(s), a boss(es), and a chief(s).²³⁸ As Benjamin Ramirez-shkwegnaabi explains,

Anishinaabeg *ogimaag* (leaders) were men and women who excelled in areas such as warfare, medicine, hunting, or singing. They did not lead by force or authority (in the European sense), but rather secured their power through service to their communities. There were two main categories of *ogimaag*: war chiefs and civil leaders. War chiefs were typically young warriors, of lower rank than civil chiefs, who had proved their leadership in war. Ideally they supported the civil *ogimaag* and asserted their authority only in times of conflict. Civil leaders (by the nineteenth century this was often a hereditary rank) had a responsibility to provide for the welfare of their people, much as parents had responsibility for their children. "He was a father to his people; they looked on him as children do to a parent; and his

231. C.A. BISHOP, THE NORTHERN OJIBWAY AND THE FUR TRADE – AN HISTORICAL AND ECOLOGICAL STUDY 5 (1974) (explaining that "[m]arriage alliances, larger groups, and alliances with other Indigenous nations contributed to a collective society bound together by binding clan affiliations").

232. PATRICIA MCGUIRE, RESTORATIVE DISPUTE RESOLUTION IN ANISHINAABE COMMUNITIES – RESTORING CONCEPTIONS OF RELATIONSHIPS BASED ON DODEM 3 (2008).

233. JOHNSTON, *supra* note 59, at 61.

234. *Id.*

235. BASIL JOHNSTON, HONOUR EARTH MOTHER- MINO-AUDIAUDAUH MIZZO-KUMMIK-QUAE (2003).

236. KELLY TRANSCRIPT, *supra* note 75.

237. TREUER, *supra* note 49; FLOCKEN, *supra* note 92.

238. *Ogimaa*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/A9JN-QTPG> (last visited May 10, 2021).

R

R
R

lightest wish was immediately performed,” said a principal warrior of Curly Head, a Mississippi Ojibwe civil chief whose relationship with his people was based on ensuring their well-being: “His lodge was ever full of meat, to which the hungry and destitute were ever welcome. The traders vied with one another [over] who should treat him best, and the presents which he received at their hands he always distributed to his people without reserve. When he had plenty, his people wanted not.”²³⁹

As identified in this passage, the concept *ogimaa* literally means to recognize those for whom I am responsible.²⁴⁰ As a result, the traditional form of governance for the Anishinaabe is defined by the concept *gaa-ezhi-ogimaawaadizid*.²⁴¹ This term is derived from the following terms: *gaa-*, which is defined as a relative tense; *ezhi-*, which is a form of the relative preverb *izhi-* that means thus, in a certain way; *ogimaa*, which means chief, to recognize those I am responsible for; *-aad-*, which means of being or life, character or nature; and *-izi*, which means s/he is in a state or condition.²⁴² Literally, the concept of traditional governance, or sovereignty, is defined as to act in a way that recognizes those I am responsible for.²⁴³

In the Anishinaabe’s traditional governance structure, ceremonies were integral in the governance process.²⁴⁴ Ceremonies provided context to *Anishinaabe-inaakonigewin* (Anishinaabe law) pursuant to the principle of *mino-bimaadiziwin*, as achieved through the implementation of the seven grandfather teachings, by infusing the governance process with life energy and spirit.²⁴⁵ This principle is evident in the concept *zagaswe’idiwin*.²⁴⁶ The concept of *zagaswe’idiwin* is defined as council, a council meeting.²⁴⁷ This term is derived from the root term *zagaswe’idi*, which is further broken down with the following stems: *zagaswe-*, which means smoke (tobacco); *-’*, which means to cause someone to be or to act; and *-idi*, which is a recip-

239. Benjamin Ramirez-shkwegnaabi, *The Dynamics of American Indian Diplomacy in the Great Lakes Region*, 27.4 AM. INDIAN CULTURE & RES. J. 53, 56 (2003).

240. Stark, *supra* note 49, at 351.

241. *Id.*

242. *Gaa-*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/8GSR-2N8T> (last visited May 10, 2021); *Izhi-*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/AF6K-6GA7> (last visited May 10, 2021); *Ogimaa*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 238; *Aad*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 158; *-Izi*, OJIBWE PEOPLE’S DICTIONARY, *supra* note 176.

243. Stark, *supra* note 49, at 351; *see also* People of the Little River Band of Ottawa Indians v. Champagne, 35 Indian L. Rep. 6004 (Little River Band of Ottawa Indians Ct. of App. 2007) (The Little River Band of Ottawa Indians Court of Appeals addressed the issue of attempted fraud. In deciding the case, the court relied upon the Anishinaabe traditional story often referred to as the “Duck Dinner” as persuasive authority. The court utilized the concept of *ogimaag* (*ogemuk* as referenced in the Odawa dialect) as follows: “As one of the leaders of the community – *ogemuk* – Justice Champagne was held – and should be held – to a higher standard of conduct.”)

244. TREUER, *supra* note 49, at 34.

245. *Id.*

246. *Id.*

247. *Zagaswe’idiwin*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/5VNA-ECY2> (last visited May 10, 2021).

R

R

R

R

R

rocal term.²⁴⁸ Literally, the concept of *zagaswe'idiwin* is defined as the mutual act of giving a smoke to someone, the mutual act of sharing a smoke with someone (especially a pipe in ceremony), and the mutual act of inviting someone to a council.²⁴⁹ As explained by Anton Treuer, “this is because the pipe was central to Ojibwe governance.”²⁵⁰ Through the engagement of ceremony the participants were establishing a reciprocal spiritual relationship, as this relationship transcended the physical realm and became recognized within the spiritual realm.²⁵¹ Therefore, all governance decisions that were made during ceremony were considered sacred and binding.²⁵²

VI. THE IMPLEMENTATION OF TRADITIONAL LAW PRINCIPLES

The decisions and opinions of tribal courts, as explained by Frank Pommersheim, “need to contain both compelling legal analysis and cultural referents to demonstrate that the decisions comport with both applicable law and cultural standards.”²⁵³ The following customary law holding of the Little River Band of Ottawa Indians Court of Appeals will be analyzed to provide insight into how the complex principles identified in this Article can be utilized by Anishinaabe tribal courts and tribal councils as “primary rules” in the development and furtherance of Anishinaabe Jurisprudence. As Matthew Fletcher explained, “identifying primary rules as the method of identifying customary law offers the advantage of allowing tribal courts to bring customary law into the modern era without creating additional confusion as to its application.”²⁵⁴

248. *Zagaswe'idiwag*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/9PRA-V5WF> (last visited May 10, 2021); *Zagaswe'*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/6F2V-VK44> (last visited May 10, 2021); *-Idi*, OJIBWE PEOPLE'S DICTIONARY, <https://perma.cc/S6VY-PR6H> (last visited May 10, 2021).

249. TREUER, *supra* note 49, at 34.

250. *Id.*

251. FLOCKEN, *supra* note 92, at 31; *see also* GROSS, *supra* note 93, at 18; HALLOWELL, *supra* note 93, at 171.

252. MERVIN HUNTINGHAWK, SINCE TIME IMMEMORIAL: TREATY LAND ENTITLEMENT IN MANITOBA, IN SACRED LANDS: ABORIGINAL WORLD VIEWS, CLAIMS, AND CONFLICTS 40–41 (Jill Oakes, Rick Riewe, Kathi Kinew & Elaine Maloney eds., 1998); ROBERT A. WILLIAMS JR., LINKING ARMS TOGETHER: AMERICAN INDIAN TREATY VISIONS OF LAW AND PEACE, 1600-1800 (1999); COLIN G. CALLOWAY, NEW WORLD FOR ALL: INDIANS, EUROPEANS, AND THE REMAKING OF EARLY AMERICA (2d ed., 2013).

253. Frank Pommersheim, *Tribal Court Jurisprudence: A Snapshot from the Field*, 21 VT. L. REV. 7, 8–16 (1996). *See also* Hopi Indian Credit Ass'n v. Thomas, 1996 Hopi App. LEXIS 2, at *5–6 (Mar. 29, 1996) (stating that “[t]he customs, traditions, and culture of the Hopi Tribe deserve great respect in tribal courts, the essence of our Hopi law, as practiced, remains distinctly Hopi. The Hopi Tribe has a constitution, ordinances and resolutions, but those Western forms of law codify the customs, traditions and culture of the Hopi Tribe, which are the essential sources of our jurisprudence . . . The trial court must apply this important source of law [Hopi customs, traditions and culture] when it is relevant.”).

254. MATHEW L.M. FLETCHER, AMERICAN INDIAN TRIBAL LAW 98 (2d ed., 2020); *see also* VINE DELORIA JR. & CLIFFORD M. LYTLE, AMERICAN INDIANS, AMERICAN JUSTICE 149 (1983) (stating that

R

R

R

The Little River Band of Ottawa Indians Court of Appeals, in the *People of the Little River Band of Ottawa Indians v. Champagne*,²⁵⁵ relied upon the Anishinaabe traditional story often referred to as the “Duck Dinner” as persuasive authority in addressing the issue of attempted fraud.²⁵⁶ The court summarized this story as follows:

There are many, many versions of this story, but in most versions, Nanabozho²⁵⁷ is hungry, as usual. After a series of failures in convincing (tricking) the woodpecker and muskrat spirits into being meals, Nanabozho convinces (tricks) several ducks and kills them by decapitating them. He eats his fill, saves the rest for later, and takes a nap. He orders his buttocks to wake him if anyone comes along threatening to steal the rest of his duck dinner. During the night, men approach. Nanabozho’s buttocks warn him twice: “Wake up, Nanabozho. Men are coming.”²⁵⁸ Nanabozho ignores his buttocks and continues to sleep. When he awakens to find the remainder of his food stolen, he is angry. But he does not blame himself. Instead, he builds up his fire and burns his buttocks as punishment for their failure to warn him.²⁵⁹

“tribal law demands a special blending of traditional customs, which have evolved over centuries and are tenaciously held by reservation people as the proper way to resolve certain kinds of disputes, with modern notions of jurisprudence”).

255. 35 Indian L. Rep. 6004 (Little River Band of Ottawa Indians Ct. of App. 2007).

256. *Id.* at 6004; see also Archie Mosay, *Wenabozho Gaa-kiizhkiwebinaad Zhiishiiban (When Wenabozho Decapitated the Ducks)*, in *LIVING OUR LANGUAGE: OJIBWE TALES & ORAL HISTORY* 28–33 (Anton Treuer ed., 2001). The full-length version of this story is provided at the end of this article.

257. Nanabozho, is the “name of the aadizookaan character viewed as the cultural hero” of the Anishinaabe. He is called by many names including: Wenabozho, Wenaboozhoo, Nenabozho, Nenaboozhoo, Nanaboozhoo, Nanabush, and Manabozho to name a few. See *Wenabozho*, *OJIBWE PEOPLE’S DICTIONARY*, <https://perma.cc/Q9WQ-JFK8> (last visited May 10, 2021).

258. *Champagne*, 35 Indian L. Rep. at 6004 (citing Charles Kawbawgam, *Nanabozho in a Time of Famine*, in *OJIBWA NARRATIVES OF CHARLES AND CHARLOTTE KAWBAWGAM AND JACQUES LEPIQUE*, 1893–95 (Arthur P. Bourgeois ed., 1994)).

259. *Id.*; see also Mosay, *supra* note 256, at 28–33. The full-length version of this story is provided at the end of this article.

R

This story exemplifies our existence as a part of creation, as embodied in the principles of *Anishinaabe-inaakonigewin*,²⁶⁰ to achieve harmony in life as expressed by the term *mino-bimaadiziwin*²⁶¹ through the gift of

260. See KINEW, *supra* note 37; KELLY TRANSCRIPT, *supra* note 75. The principle of *Anishinaabe-inaakonigewin*, law that is weaved into our *aadizookaanan*, traditional stories and *Anishinaabe-izhitwaawin*, culture through the language, was utilized by the Navajo Nation Supreme Court in *Tsosie v. Deschene*, 12 Am. Tribal Law 55 (Navajo 2014). The Navajo Nation Supreme Court addressed a due process challenge involving whether the Nation can require candidates nominated for presidential office to speak fluently and understand the Navajo language. The court determined that the law, requiring candidates nominated for presidential office to speak fluently and understand the Navajo language, was enacted to “preserve, protect, and promote self-determination, for which the language is essential,” and therefore held that the regulation was a reasonable requirement for participation in the Nation’s political system. *Tsosie*, 12 Am. Tribal Law at 61. The court reasoned:

R

While the right or privilege of placing one’s name in nomination for public elective office is a part of political liberty, thus making it a due process right, that liberty may be restricted by statute. Any such restriction must be reasonable and forward some important governmental interest . . . In this society, this court has the obligation to interpret Navajo law and enforce Navajo law. When we carry out that responsibility, that responsibility is not limited to an interpretation of statutory laws – those laws made by human beings to regulate other human beings in society. We consider ancient laws also. The ancient laws of the Holy People take precedence because they are sacred laws that we were placed here with . . . The value system – the law of the Navajo people – is embedded in the language. *Id.* at 61–63.

The principle embodying the requirement to speak and understand language as utilized by the Navajo Nation Supreme Court can be expressed through the concept of *anishinaabemowin*, the Ojibwe language. The Ojibwe language connects us with the past, contributes meaning to our existence, and embodies our philosophy. The principle of *Anishinaabe-inaakonigewin*, law was also utilized by the Winnebago Tribe of Nebraska Supreme Court in *Rave v. Reynolds*, 23 Indian L. Rep. 6150 (Winnebago Tribe of Neb. 1996). The Winnebago Tribe of Nebraska Supreme Court addressed the appropriate standard of review to be applied to Tribally enacted nondiscriminatory restrictions on a candidate’s eligibility for election. In applying a sliding scale standard of review, thereby choosing intermediate scrutiny, the court held that tribal members and a Tribal member organization have standing to challenge the constitutionality of the rules for tribal elections under tribal law. *Rave*, 23 Indian L. Rep. 6150. The court reasoned as follows:

Tribal customs and usages, both traditional and evolving, will constitute tribal common law. . . The healing approach traditionally taken to resolve tribal disputes. The traditions of most Indian Tribes in the United States, including the Ho-Chunk people, part of whom compose the Winnebago Tribe of Nebraska, encouraged participatory and consensual resolution of disputes, maximizing the opportunity for airing grievances (i.e. hearing), participation, and resolution in the interests of healing the participants and preventing friction within the tribal community. . . Whatever tribal traditions previously controlled tribal council, clan or family disputes resolution in the mid-nineteenth century must, in the absence of express positive law on standing, affect this court’s resolution of the standing issue. *Id.* at 6157.

The notion of tribal customs and usages as utilized by the Winnebago Tribe of Nebraska Supreme Court is represented through the term *onaakonigewin*, law. Through the utilization of Anishinaabe law, as produced from its four categorical areas, courts, councils, and practitioners can affect the resolution of disputes, and achieve healing through the incorporation of *anishinaabemowin*, the language; *aadizookaanan*, traditional stories; *dibaajimowin*, personal narratives; and *izhitwaawin*, Anishinaabe culture.

261. See generally Part III. The principle of *mino-bimaadiziwin*, living in a good way, was utilized by the Navajo Nation Supreme Court in *Means v. District Court of the Chinle Judicial District*, 2 Am. Tribal Law 439 (Navajo 1999). The Navajo Nation Supreme Court addressed the issue of personal jurisdiction over a non-member Indian. In this case the petitioner was charged with two battery offenses and a threatening behavior offense committed against kinship relatives. The court determined that the

apaakozigan, Indian *kinnikinnick*.²⁶²

This story further reminds us of how the helldiver was able to achieve *nibwaakaawin* through his understanding of the “ordinances of creation” by observing the actions of Wenabozho and identifying his plan to roast the ducks as reflected in the concept *gikinawaabiwin*.²⁶³ We are also instructed

Navajo Nation had jurisdiction over the petitioner as a nonmember Indian pursuant to the 1868 Treaty. The court also determined that the Navajo Nation had jurisdiction over the petitioner by him “assuming tribal relations and establishing familial and community relationships under Navajo common law.” *Means*, 2 Am. Tribal Law 439. The court reasserted its prior holding that a person who assumes tribal relations is considered an Indian pursuant to the classification of *hadane* (and not pursuant to their status as a non-member Indian as evidenced in this case), and as a result is fully subject to Navajo law. *Id.* (quoting *Navajo Nation v. Hunter*, 7 Navajo Rptr. 194, 197–98 (Navajo 1996)). The court reasoned as follows:

An individual who marries or has an intimate relationship with a Navajo is a *hadane* (in-law). The Navajo people have *adoone’e* or clans, and many of them are based upon the intermarriage or original Navajo clan members with people of other nations. The primary clan relation is traced through the mother, and some of the foreign nation” clans include the “Flat Foot-Pima clan,” the “Ute people clan,” the “Zuni clan,” the “Mexican clan,” and the “Mescalero Apache clan.” . . . The list of clans is not exhaustive. A *hadane* or in-law assumes a clan relation to a Navajo when an intimate relationship forms, and when that relationship is conducted within the Navajo Nation, there are reciprocal obligations to and from family and clan members under Navajo common law. Among those obligations is the duty to avoid threatening or assaulting a relative by marriage (or any other person). *Id.* at 450.

The principle embodying reciprocal relationships as utilized by the Navajo Nation Supreme Court can be expressed through the concept of *inawendiwag*, which means they are related to each other. The core tenet of this concept is the reciprocity or mutuality of the principle. As courts, councils, and practitioners implement the tenets of reciprocal relationships, it will recognize the tenet of Anishinaabe existence through the principles of *mino-bimaadiziwin*.

262. *Mosay*, *supra* note 256, at 28–33. The full-length version of this story is provided at the end of this article.

263. *See generally* Part IV(A). The principle of *nibwaakaawin*, wisdom expressed through the concept of embodying due process, was utilized by the Court of Appeals of the Confederated Tribes of the Grand Ronde Community in *Alexander v. Conf’d Tribes of Grand Ronde*, 13 Am. Tribal Law 353 (Ct. of App. of the Confederated Tribes of the Grand Ronde Cmty. 2016). The case involved a disenrollment challenge. The Court of Appeals addressed whether the tribal court system was a court of equity, and whether the court system could utilize equitable defenses, such as laches and estoppel, and apply them against the tribal government. In addressing the meaning of due process, the court reasoned that “an Indian Tribal Court’s interpretation of due process represents the unique tribal sovereign, its distinctive culture and mores.” *Alexander*, 13 Am. Tribal Law 353 (quoting *Synowski v. Conf’d Tribes of Grand Ronde*, 4 Am. Tribal Law 122, 125 n. 4 (Grand Ronde Ct. App. 2003)). In applying this reasoning, the court held that “under the unique facts of this case . . . the Tribe is prevented by equitable principles of laches and estoppel from reopening, after 27 years, the issue of the enrollment status of the lineal (and lateral) ancestors from which the Petitioners/ Appellants trace their Grand Ronde citizenship.” *Id.* at 357. The court found the due process arguments of the Navajo Supreme Court persuasive relying on the following:

Clearly, Indian nations did not learn “due process” and “fairness” from Anglo–American cultures. *See e.g.*, *Begay v. Navajo Nation*, 6 Nav. Rptr. 20, 24–25 (Navajo Nation Sup.Ct. 1988) (“The concept of due process was not brought to the Navajo Nation by the Indian Civil Rights Act . . . The Navajo people have an established custom”); Raymond D. Austin, *NAVAJO COURTS AND NAVAJO COMMON LAW: A TRADITION OF TRIBAL SELF–GOVERNANCE*, 112 (2009) (“As the Court states, Navajo notions of due process are embedded in long-established customary practices and law ways. The Navajo Nation Supreme Court consistently declares

R

that we do not need to harvest natural resources in a deceptive way, rather the ducks, through the reciprocated act of *zaagi'idiwin*,²⁶⁴ will provide of

that the foundation for Navajo due process lies in traditional Navajo principles, practices, and values that define fairness, and not in Anglo–American concepts of fairness and fundamental rights”). We find persuasive the analysis of Raymond Austin, a Navajo Supreme Court justice from 1985–2001. He states that his Nation’s court system supports and preserves its ancient traditions and fundamental values. Raymond D. Austin, *NAVAJO COURTS AND NAVAJO COMMON LAW: A TRADITION OF TRIBAL SELF–GOVERNANCE*, xvii–xxiv, 18, 199–200 (2009). Significantly, he notes the Navajo legal principle of *ch’ihonit’i* (which literally means the “way out”) to be an equitable legal principle. “In the legal context, the ‘way out’ custom would allow for application of the law tempered by considerations of fairness and justice that come from traditional Navajo ways of doing things.” He also notes that Navajo “doctrine can produce equitable decisions that conform to Navajo concepts of fairness and justice in modern litigation.” *Id.* at 357–58.

As courts implement the principles of *nibwaakaawin*, which is truth, as embedded in the four categorical areas of *onaakonigewin*, which is law, and *Anishinaabe-izhitwaawin*, which is Anishinaabe culture, they will be able to define and interpret the doctrine of due process. This is because the Anishinaabe achieve wisdom through their understanding of the “ordinances of creation.” WALDRAM, *supra* note 59, at 83–85. The tenets represented in the rhythm of the earth and all of creation, are utilized in our established systems of governance, and can be used to identify the principles of due process.

264. See generally Part IV(B). The principle of *zaagi'idiwin*, mutual love embodying how we carefully approach each other as individuals, was addressed by the Navajo Nation Supreme Court in *Navajo v. Rodriguez*, 5 Am. Tribal Law 473 (Navajo 2004). The Navajo Nation Supreme Court held that the Navajo Bill of Rights, as interpreted consistent with the Fundamental Laws of the Diné, prohibited coerced confessions. *Rodriguez*, 5 Am. Tribal Law at 480. The court reasoned as follows:

Hazhó’ógo is not a man-made law, but rather a fundamental tenet informing us how we must approach each other as individuals. When discussions become heated, whether in a family setting, in a community meeting or between any people, it’s not uncommon for an elderly person to stand and say “hazhó’ógo, hazhó’ógo sha’áichíní” (hazhó’ógo my children). The intent is to remind those involved that they are Nohookáá Diné’é (Earth Surface People – Human Beings), dealing with another Nohookáá Diné’é, and that therefore patience and respect are due. When faced with important matters, it is inappropriate to rush to conclusion or to push a decision without explanation and consideration to those involved. Áádóó na’nfle’dii éí dooda (delicate matters and things of importance must not be approached recklessly, carelessly, or with indifference to consequences). This is *hazhó’ógo*, and we see that this is an underlying principle in everyday dealings with relatives and other individuals, as well as an underlying principle in our governmental institutions. Modern court procedures and our other adopted ways are all intended to be conducted with *hazhó’ógo* in mind. *Id.* at 479–80.

As courts, councils, and practitioners attempt to carefully approach each other as individuals, through the concept of *zaagi'idiwin*, mutual love, they can ensure that the participants in the tribal court process treat each other through the principles embodied in the concept of the “love of creation” to strive for balance and harmony through the judicial process while acknowledging the principles of *ayaangwaamizi*, to proceed with an action carefully and cautiously. See *Ayaangwaamizi*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/R7VM-B85B> (last visited May 10, 2021). The principle of *zaagi'idiwin*, mutual love, was also utilized by the Family Court of the Navajo Nation for the Judicial District of Chinle In the Matter of the Adoption of Davis, No. CH-FC-532-12 (Family Ct. of the Navajo Nation, Judicial Dist. of Chinle 2012). The Family Court addressed the issue of an adoption under Navajo common law. *In re Davis*, No. CH-FC-532-12. In addressing the merits, the court reasoned as follows:

Navajo common law adoption is based on expectations “that children are to be taken care of and that obligation is not simply one of the child’s parents.” It is common knowledge that “orphans of Navajo families or children of large families or broken homes are adopted by other family members or a family member of the same clan as the child . . . Navajo adoption is

R

themselves so we can be well and live a good life embodied in the “treaty with the animals” through the principles of *zhawenjigewin*²⁶⁵ and *gaa-izhizhaawendaagoziyang*.²⁶⁶ It is in this way that we are also reminded of the notion that achieving respect in life is ultimately achieved when we embody the concept of respecting all of creation as contained in the concept *manaadendamowin*.²⁶⁷

based on need, mutual love and help . . . In the absence of a clan relative asserting their right to care for a child, a person who assumes the duties and responsibilities of a parent can effectuate a Navajo Common law Adoption. In this, the person must consider the child as *shi awe* (my child). Conversely, the child must consider the caretaker as *shi ma'* (my mother) or *shi she'e* (my father) . . . An adoption in the truest sense requires the person to maintain a parent-child relationship through their entire lives. In a sense, despite the lack of clan relations, the person becomes a relative of the child and vice versa. *Id.*

The principles embodying adoption as utilized by the Family Court of the Navajo Nation for the Judicial District of Chinle, can be expressed through the concept of *bami'aagan*, the adopted one. As courts, councils, and practitioners implement the principles associated with traditional adoption practices, it is acknowledging a person as having established a permanent kinship relationship with someone other than the person's blood relative in fulfillment of the sacred responsibility to take care of each other through *zaagi'idiwin*, mutual love.

265. See BORROWS, *supra* note 11, at 40. The principle of *zhawenim*, unconditional loving kindness and compassion, was utilized by the Non-Removable Mille Lacs Band of Ojibwe Indians Court of Appeals in Mille Lacs Band of Ojibwe Indians v. Williams, No. 11-APP 06 (Non-Removable Mille Lacs Band of Ojibwe Indians Ct. of App. 2012), <https://perma.cc/JF9D-6H3N>. The Court of Appeals addressed the constitutionality of the Band's Exclusion and Removal Ordinance as it applies to a Band member under the Band and Minnesota Chippewa Tribe Constitutions as well as whether the ordinance was valid under the Indian Civil Rights Act. The court, utilizing the importance of maintaining relationships rationale, held that a heightened standard of removal for Band members applies “because they possess unique interests in remaining on the Mille Lacs reservation that non-members may not possess.” *Williams*, No. 11-APP 06. The court remanded the matter back to the lower court to stay the removal petition at issue in this case until a revised Exclusion and Removal Ordinance could be enacted that addresses the issues raised in this matter. *Id.* The court emphasized the importance of kinship and community relationships as follows:

It could certainly impair a Band member's right to exercise his “religion” if he is desirous of learning the traditional ways of the Anishinaabe and his access to the patrimony necessary for practicing these ways was defeated by his inability to come on to the reservation. The court also believes that a right of a person to live with his child and raise his child is that type of intimate relationship that many Courts have recognized as being within that core group of persons whom a person has a First Amendment right to live with and associate with . . . *Id.*

The principle embodying the importance of maintaining relationships as utilized by the Non-Removable Mille Lacs Band of Ojibwe Indians Court of Appeals can be expressed through the concept of *inawemaagan*, a relative. As courts, councils, and practitioners recognize the principles of *inawemaagan* through the lens of the concept of *zhawenim*, unconditional loving kindness and compassion, they will be able to interpret the tenets embodied in our mutual kinship responsibilities.

266. BORROWS, *supra* note 11, at 40; GENIUSZ, *supra* note 148.

267. See generally Part IV(C). The principle of *manaadendamowin*, to act in a certain manner with thoughts of respect and honor upon it, to act in certain manner with the perception of respectful thoughts upon it, and act in certain manner with the feeling of respect in the mind, was utilized by the Cheyenne River Sioux Tribal Court of Appeals in Zepher v. Walters, No. 15A06 (Cheyenne River Sioux Tribal Ct. of App. 2017). The Cheyenne River Sioux Tribal Court of Appeals addressed a case involving a custody dispute where the parent with physical custody of the child resided in Hawai'i. During the summer, the child traveled to the Cheyenne River Indian Reservation to visit the other parent and that parent did not return the child. The Tribal court ordered a hearing without providing sufficient notice of

R

R

The act of the helldiver calling out to his fellow ducks, embodies the principles of achieving bravery and courage in life as contained in the concepts *aakwaade'ewin*²⁶⁸ and *zoongide'ewin*.²⁶⁹ These concepts are forever

the purpose of the hearing to the parent living in Hawai'i. *Zephier*, No. 15A06. The court, in determining that reversible error occurred by failing to provide sufficient notice, reasoned as follows:

The guarantee of due process is embedded . . . in Lakota tradition and custom. The essence of due process is governmental respect for all individuals subject to its authority. This respect is often translated pragmatically in legal proceedings to mean notice and the opportunity to be heard. *Id.*

The principle of *manaaji'idiwin*, they respect each other, was utilized by the Cheyenne River Sioux Tribal Court of Appeals, in *High Elk v. Veit*, 6 Am. Tribal Law 73 (Cheyenne River Sioux Tribal Ct. of App. 2006). The Cheyenne River Sioux Tribal Court of Appeals addressed the due process rights of a former lessee involving grazing rights payments. The court vacated the garnishment order at issue in this case as the order “constituted a departure from Lakota traditions of respect and honor, was contrary to law, and violated the guarantees of due process of law” *High Elk*, 6 Am. Tribal Law 73. The court reasoned:

Lakota tradition requires the respectful listening to the position of all interested persons on any important issue, the legal requirement of due process of law requires that all persons interested in a matter receive adequate written notice of any proceeding that would implicate their personal interests, including their property or, as here, rent payments contractually owed to them, that they be made parties to any case or judgment that would affect those interests, and that they have a full and fair opportunity to participate as a party in any hearing on such issues. *Id.*

The core tenet of this concept *manaaji'idiwin* is the reciprocity or mutuality of the principle. As courts, councils, and practitioners implement the tenets of mutual respect, the parties to an action will have the fair opportunity to fully participate and be heard on the issues.

268. See generally Part IV(D). The principle of *aakwaade'ewin*, to engage life from the heart in an intense manner, to live life from the heart with a fierce character and exhibit an intense nature of being from the heart, was utilized by the Navajo Nation Supreme Court in *Green Tree Servicing, LLC v. Duncan*, 7 Am. Tribal Law 633 (Navajo 2008) in addressing the issue of a binding arbitration clause involving the foreclosure of a tribal member's home. In declining to enforce the binding arbitration clause, the court reasoned as follows:

The question is whether such an agreement [binding arbitration clause] is enforceable under Navajo law. Green Tree submits that under Navajo law words are sacred. This Court has upheld contracts if the language is clear, and the parties voluntarily entered into the agreement. However, despite the clarity of language, the Court has also stricken agreements if they violate Navajo public policy expressed in our statutory law or in *Diné bi beenahaz'áanii* There are also Fundamental Law principles that inform Navajo public policy on arbitration agreements in mobile home contracts. The Navajo maxim of *házhó'ógó* mandates “more than the mere provision of an English form stating certain rights . . . and requires a patient, respectful discussion . . . before a waiver is effective. *Házhó'ógó* requires a meaningful notice and explanation of a right before a waiver of that right is effective. *Házhó'ógó* is not man-made law, but rather a fundamental tenet informing us how we must approach each other as individuals Several other principles are relevant. In a recent case, the Court discussed the Navajo concept of *nábináheezlágo be t'áá lahjá algha' deet'a*, which is, finality is established when all participants agree that all of the concerns or issues have been comprehensively resolved in the agreement. It is also said that in the process of “talking things out,” or meeting the Navajo common law procedural requirement that everything must be talked over, there is a requirement of *úshjání ádooníl*, that is, making something clear or obvious. Navajo decision-making is practical and pragmatic, and the result of “talking things out” is a clear plan. When faced with important matters, it is inappropriate to rush to conclusion or to push a decision without explanation and consideration to those involved. *Áádóó na'nile'dii éi dooda*, that is, delicate matters and things of importance must not be approached recklessly, carelessly, or with indif-

reflected in how the helldiver is perceived today. Through the principle of *gikinoo'amaage* (*akinoomaage*)²⁷⁰ this story acknowledges the earth and all of creations ability to teach us, and for us to gain wisdom by paying attention and observing our surroundings. Every time we see him, we are reminded of how the helldiver engaged life from the heart, exuding firm character, and exhibiting a strong nature of exemplifying the principles of living life with bravery and courage as represented by his hunched back and red eyes.

ference to consequences. This is *házhó'ógó*. If things are not done *házhó'ógó*, it is said that it is done *t'aa bizaka*. An arbitration clause must be set in the manner of *házhó'ógó* (standard of care), so as to make a clause *íshjání ádooniil* (clear and obvious), therefore it will not be made *t'aa na'nile'dii* (not recklessly, carelessly or with indifference to consequences) resulting in making the arbitration clause *nábináheezlágo be t'áá lahjá algha' deet'* (comprehensive agreement) . . . This Court [has] rejected “any rule that conditions the respectful explanation of rights under Navajo due process on subjective assumption concerning the defendant. This right exists for all defendants in our system.” Finally, these principles must be applied in the context of the importance of a home in Navajo thought. This Court has noted that a home is not just a dwelling, but a place at the center of Navajo life. Based on this principle, the Court scrutinizes procedures to make sure they protect a homeowner’s ability to maintain a healthy home and family. *Id.* at 640–42.

As courts, councils, and practitioners attempt to talk things out, they can bravely ensure that the participants in the tribal court process treat each other with truth, kindness, and respect. In this manner, tribal courts will be able to strive for balance and harmony through the judicial process while acknowledging the principles of *ayaangwaamizi*, to proceed with an action carefully and cautiously. *See Ayaangwaamizi*, *supra* note 264.

269. *See generally* Part IV(D). The principle of *zoongide'ewin*, to engage life from the heart in a strong manner, to live life from the heart with a firm character and exhibit a strong nature of being from the heart, was addressed by the Cheyenne River Sioux Tribal Court of Appeals, in *Bank of Hoven (Plains Commerce Bank) v. Long Family Land & Cattle Co.*, 32 Indian L. Rep. 6001 (Cheyenne River Sioux Tribal Ct. of App. 2004). The Cheyenne River Sioux Tribal Court of Appeals addressed the issue of a claim of discrimination against an off-reservation bank. *Bank of Hoven*, 32 Indian L. Rep. 6001. In addressing the issue of discrimination, the court explained as follows:

There is a basis for a discrimination claim that arises directly from Lakota tradition as embedded in Cheyenne River Sioux tradition and custom. Such a potential claim arises from the existence of Lakota customs and norms such as the “traditional Lakota sense of justice, fair play and decency to others,” *Bank of Hoven*, 32 Indian L. Rep. 6001, and “the Lakota custom of fairness and respect for individual dignity.” *Bank of Hoven*, 32 Indian L. Rep. 6001 (quoting *Thompson v. Cheyenne River Sioux Tribal Board of Police Comm'rs*, 23 Indian L. Rep. 6045 (Cheyenne River Sioux Tribal Ct. of App. 1996) (“The Lakota custom of fairness and respect for individual dignity that should infuse all tribal actions by providing those harmed by tribal government officials with a vehicle for seeking to remedy such wrongs”)). . . . Therefore, a tribally based cause of action grounded in an assertion of discrimination may proceed as a “tort” claim as defined in the Cheyenne River Sioux Tribal Code, as derived from Tribal tradition and custom *Id.*

As courts, councils, and practitioners attempt to implement justice, they can bravely use *onaakonigewin*, law, and *Anishinaabe-izhitwaawin*, Anishinaabe culture, to achieve “fairness and respect for individual dignity.” *Id.* (quoting *Thompson*, 23 Indian L. Rep. 6045 (stating that “the Lakota custom of fairness and respect for individual dignity that should infuse all tribal actions by providing those harmed by tribal government officials with a vehicle for seeking to remedy such wrongs”).

270. *See BORROWS*, *supra* note 11, at 38.

R

R

This story further teaches us about honesty through living life in a correct manner, to live with a correct character and exhibit a correct nature as represented in the principle *gwayakwaadiziwin* and accountability through acting in a correct manner or doing things in a correct manner as represented in the principle *gwayakochigewin*.²⁷¹ As Wenabozho was unable to achieve honesty in life, by living his truth in this story, we are informed that he was unable to consume the roasted ducks, as the Sioux came by and took them. In the end, because of his acts of dishonesty, Wenabozho lost his dinner and was still hungry.

This story also exemplifies the idea of achieving humility in life as contained in the concept *dabasenindizowin*²⁷² as well as the notion of gen-

271. See generally Part IV(E). The principle of *gwayakwaadiziwin*, to mean that the individual is a good person, that the person leads a good life, that the person has a good character, and that the person is honest, was utilized by the Ho-Chunk Nation Trial Court in *Ho-Chunk Nation v. Olsen*, 2 Am. Tribal Law 299 (Ho-Chunk Nation Trial Ct. 2000). The Ho-Chunk Nation Trial Court addressed the issue of contract formation under customary law principles involving the purchase of cigarettes alleging breach of the purchase agreement and the return of the down payment. The court consulted with the Ho-Chunk Nation Traditional Court to determine “whether Ho-Chunk Nation custom and tradition recognized agreements analogous to the modern day ‘contract.’” *Ho-Chunk Nation*, 2 Am. Tribal Law at 307 (stating that “[t]he Ho-Chunk Nation Traditional Court is a body of the Ho-Chunk Nation Judicial System comprised of tribal elders. The court hears issues voluntarily brought before them and resolves conflicts based on their expertise in the customs and traditions of the Ho-Chunk Nation”). The Traditional Court explained as follows: “In the tradition and custom of the Ho-Chunk Nation, agreements between parties for the exchange of goods or services were recognized as binding, and that it was wrong for one party to keep a benefit obtained from an agreement without providing the agreed upon compensation.” *Id.* (“When questions of Ho-Chunk Nation tradition or custom arise in cases before the Ho-Chunk Nation Trial or Supreme Courts, Judges and Justices may seek the input and expert opinion of the Ho-Chunk Nation Traditional Court. The procedure is analogous to the “certification of questions of law” that often takes place between federal and state courts. See 5 Am. Jur. 2d Appeal & Error § 1025.”). *Id.* As courts, councils, and practitioners address the meaning of binding agreements as achieving honesty in life, they can also examine performance of the obligation, and how lack of fulfillment of the terms can be used to terminate an agreement.

272. See Part IV(F). The principle of *dabasenindizowin*, humility, was addressed by the Osage Nation Supreme Court in *Standing Bear v. Whitehorn*, SCO-2015-1, 3–7 (Osage Nation 2016). The Osage Nation Supreme Court examined the political and legal theories undergirding the Osage Nation’s constitution pertaining to the principles of “separation of powers.” *Standing Bear*, SCO-2015-1. The court reasoned:

The Osage value “to do our best,” which guides us as we attempt to balance the roles and responsibilities of each branch of government in a manner that respects the efforts of those who prepared the constitution as well as the interests of Osage constituency to whom we are accountable . . . Above all things, we strive for reconciliation under the values of: Justice, Fairness, Compassion, and Respect for the Protection of Child, Elder, All Fellow Beings and Self . . . Part of the answer lies not with the cultural practices the Osages were learning outside their culture, but with the continuation of traditions they had developed over the course of centuries. The Constitution reflects our continuing values of respect, compassion, preservation, cultural stewardship, resource management, home, land, and family . . . Historically, some of our earliest known structures identified roles and responsibilities for our clans. Although “basic knowledge was shared by the twenty-four clan priesthods, each clan had exclusive control over parts of this knowledge.” This is an early example of a “separation of powers” concept – the assigning of roles and responsibilities – as well as separation of functions

erosity, as an extension of humility, as embodied in the concept *gizhewaadiziwin*.²⁷³ Through his act of “short-sightedness,” by failing to act in a kind manner, or to do things in a kind manner, Wenabozho ended up burning his own body teaching us that our actions, if “short-sighted”²⁷⁴ can have dramatic consequences.

This story reminds us about the idea of obtaining truth in life as contained in the concept *debwewin*.²⁷⁵ We are expected to find our truth in life

. . . It is the tradition of “roles and responsibilities” that we consider as we examine the issues before us . . . “Separation of Powers.” The concept refers to the division of government responsibilities into distinctive branches to limit any one branch from exercising the core functions of another and to prevent the concentration of power in any one branch. Its core philosophy states, to most effectively promote liberty, the executive, legislative and judicial powers must be separated and act independently. *Id.*

The notion of separation of powers as utilized by the Osage Nation Supreme Court can be expressed through the concept of *Anishinaabe-izhitwaawin*, Anishinaabe culture. As courts, councils, and practitioners develop Anishinaabe law through the lens of cultural principles, they will begin to embody *dabasenindizowin*, humility, through our established systems of governance. This is because governance, as fulfilled through the guise of *Anishinaabe-izhitwaawin*, is implemented through reciprocal kinship responsibilities and the existence and embodiment of *Anishinaabe-izhitwaawin* is the manifestation of Anishinaabe harmony and well-being.

273. See generally Part IV(F). The principle of *gizhewaadiziwin*, to do things in a kind manner, was utilized by the Appellate Court of the Hopi Tribe in *Mahkewa v. Mahkewa*, 5 Am. Tribal Law 207 (Hopi Ct. App. 2004). The Appellate Court examined Hopi customary law pertaining to the principle of truth as fairness as well as the importance of housing pursuant to Hopi tradition. The court reasoned, “Appellant’s [former husband’s] behavior is against the Hopi sense of fairness. It is ‘*Nukpunti*’ or an ‘act of evil intended to deprive the former spouse of property that is rightfully hers.’” *Mahkewa*, 5 Am. Tribal Law at 211. In reviewing the trial court’s order, the Appellate Court affirmed the requirement of the former husband in a divorce proceeding to build a home for his ex-wife, establishing that the requirement was consistent with Hopi customary law. The Appellate Court also held that the trial court partially erred, as the specific performance remedy was unenforceable. The Appellate Court amended the divorce decree in light of the discharge in bankruptcy of the judgement against the former husband to effectuate the Hopi sense of fairness based upon the principle “*Hak hakiy aw nukpnate’ son put akw aapiy neengem nukngwat aw yorikngwu* (if one commits a wrong upon another, he cannot realize a benefit to himself by it)” and remanded the matter. *Id.* at 213. The court determined that pursuant to Hopi customary law, “the Hopi home is a sacred place where children are instilled with Hopi traditions and values and where the wife fulfills her obligations to her clan.” *Id.* at 211. In further description of this principle the Court determined:

Hopi is a matrilineal society. The husband has the duty to provide support and maintenance for the wife in the form of a home and other resources to enable her to fulfill her obligations to her clan. Traditionally, upon the completion of the wedding ceremony at the groom’s household, the bride returns to her family home where the groom joins her to begin the marital relationship. After the groom accumulates sufficient resources to build a home for his wife, the new couple moves to the new home to become *nawipti*, or independent. The new home becomes the womb of the new family where Hopi traditions and values are perpetuated. By virtue of the matrilineal duties, the wife’s interest in the home is paramount to that of the husband. The husband’s obligations to his clan, on the other hand, takes place in the homes of his clanswomen, not his wife’s home. *Id.* at 212.

274. *People of the Little River Band of Ottawa Indians v. Champagne*, 35 Indian L. Rep. 6004 (Little River Band of Ottawa Indians Ct. of App. 2007).

275. See generally Part IV(G). As courts utilize the rights of the spoken word, they can obtain *debwewin*, through the voice of the participants and the sound of the echoing of their hearts. The princi-

to act by thought on it, to perceive by thought on it, and to feel in the mind, and not dance around aimlessly with our eyes closed as the ducks did, waiting for “kwenk”²⁷⁶ or someone to wring our necks.

The Little River Band of Ottawa Indians Court of Appeals utilized the concept of *ogimaag*²⁷⁷ (*ogemuk* as referenced in the Odawa dialect) as fol-

ple of *debwewin*, achieving truth in life, was expressed through the concept of embodying free speech in *Navajo Nation v. Crockett*, 7 Navajo Rptr. 237 (Navajo 1996). In addressing the issue of freedom of speech and due process claims relating to an employee termination action, the Navajo Nation Supreme Court utilized the interpretation of Navajo common law in the employment context and instructed that when an employee has a complaint against their employer, the employee has the obligation to bring the complaint to their supervisor and respectfully discuss the matter. *Crockett*, 7 Navajo Rptr. 237. The court applied the Navajo common law concept of *nalyeeh*, which the court described as “the employee should not seek to correct the person by summoning the coercive powers of a powerful person or entity but should seek to correct the wrongful action by ‘talking things out.’” *Id.* The court further explained that these principles should be maintained in the modern tribal grievance process applying the principles of respect, honesty, and kinship. In its application of Navajo common law the court determined:

This Court applies Navajo common law to determine whether an individual’s right to free speech has been violated. It provides that an individual has a fundamental right to express his or her mind by way of the spoken word with caution and respect, choosing their words carefully to avoid harm to others. This is nothing more than freedom with responsibility, a fundamental Navajo traditional principle . . . Speech should be delivered with respect and honesty. This requirement arises from the concept *k e’*, which is the “glue” that creates and binds relationships between people. To avoid disruptions of relationships, Navajo common law mandates that controversies and arguments be resolved by “talking things out.” This process of “talking thing out,” called *hoozhoojigo*, allows each member of the group to cooperate and talk about how to resolve a problem. This requirement places another limitation on speech, which is that a disgruntled person must speak directly with the person’s relatives about his or her concerns before seeking other avenues of redress with strangers. *Id.*

In *Malaterre v. Estate of St. Claire*, No. 05-007 (Turtle Mountain Band of Chippewa Indians App. Ct. 2006), the Turtle Mountain Band of Chippewa Indians Appellate Court addressed an issue of contract formation and the application of the statute of frauds. *Malaterre*, No. 05-007. The court determined:

In many tribal cultures, “neither writing nor consideration, nor witnesses is required.” Moreover, “in a culture in which so much rests on oral tradition, a given word weighs much more than in a culture that writes. Therefore, an oral pledge is valid, even without consideration.” *Id.*

The notion embodying an oral pledge, as utilized by the Turtle Mountain Band of Chippewa Indians Appellate Court, can be expressed through the concept of *debwewin*, achieving truth in life. As courts, councils, and practitioners uphold the obligations of an oral pledge, they are able to obtain *debwewin*, truth in life, and restore balance and harmony.

276. Mosay, *supra* note 256, at 28–33.

277. See *Ogimaa*, *supra* note 238. The principles of honesty and truth with regard to *ogimaag*, leaders, was utilized by the Navajo Nation Supreme Court in *Sherlock v. Navajo Election Comm’n*, 15 Am. Tribal Law 136 (Navajo 2017). The Navajo Nation Supreme Court ordered the removal of an elected official for writing “N/A” in the space for declaring prior criminal convictions on their candidate declaration form when the official had several convictions. *Sherlock*, 15 Am. Tribal Law 136. The court reasoned:

We add the practical application of Navajo reasoning. People enter a hooghan through the east door making their presence known to all. Much like entering a hooghan, in an election, a *naat’anii* seeking public office must enter an election with complete transparency. Although a *naat’anii* enters a hooghan like the people he or she serves, the standard conduct of a *naat’anii* is higher and stricter. . . The *naat’anii* indeed is expected to be honest, faithful, and truthful in dealing with his [or her] people. Thus a *naat’anii* betrays the trust of the people when he or she

R

lows: “As one of the leaders of the community – *ogemuk* – Justice Champagne was held – and should be held – to a higher standard of conduct.”²⁷⁸ For the Anishinaabe, *ogimaag*, chiefs or leaders, must act in furtherance of *gaa-ezhi-ogimaawaadizid*, Anishinaabe sovereignty.²⁷⁹ By embodying the concepts of *gwayakochigewin*,²⁸⁰ to act in a correct manner, or to do things in a correct manner, and *debwewin*,²⁸¹ achieving truth in life truth and honesty in their actions, our leaders will then be able to act in a way that recognizes those they are responsible for.

chooses to sneak around the hooghan in search of a non-existent side door in an effort to be less than open and honest. Here, Appellee did not enter the election with full disclosure of her personal history, which is expected of the people she serves. Instead, she was silent about her prior convictions, and, upon the revelation of her disqualifying convictions, she ran to state court for an order setting aside her convictions so as to evade removal. We will not condone such behavior. We hereby hold that Appellee’s negative response to the inquiry about felony and misdemeanor convictions was a false statement under the Election Code so as to remove her from elected office. A *naat’anii* is greatly respected by the people, however a *naat’anii* can be relieved of authority if he or she betrays the public trust placed in him or her. *Id.* at 141–42.

278. *People of the Little River Band of Ottawa Indians v. Champagne*, 35 Indian L. Rep. 6004 (Little River Band of Ottawa Indians Ct. of App. 2007).

279. *See Stark, supra* note 49, at 351. The principle of *gaa-ezhi-ogimaawaadizid*, sovereignty and governance, was utilized by the Hopi Tribe Appellate Court in *Village of Mishongnovi (Cultural Preservation Bd.) v. Humeyestewa*, 1 Am. Tribal Law 295 (Hopi Tribe App. Ct. 1998). The Appellate Court addressed a dispute over village funds and other property between the village cultural preservation board and the village board of directors. *Humeyestewa*, 1 Am. Tribal Law 295. In addressing the dispute, the court addressed the issue of standing as follows:

The exclusionary and highly formalistic operation of federal standing doctrine is a poor fit in the Hopi tribal court system, which exists in a radically different cultural and institutional context . . . The Hopi tribal court system operates squarely within a custom and tradition of open and consensual dispute resolution. Hopi traditions of discussion and consensus decision-making emphasize maximizing opportunities to air grievances and encouraging participation by clan and village members. Imposing a restrictive standing regime on Hopi tribal courts would deny tribal members access to an important neutral arena for adjudication of disputes. *Id.*

The principles embodying consensus decision making as utilized by the Hopi Tribe Appellate Court can be expressed through the concepts of *debwewin*, achieving truth in life and *zagaswe’idiwin*, a council, a council meeting. The principles of truth are inherently incorporated into Anishinaabe forms of reaching consensus on important decisions. Pursuant to Anishinaabe governance, each representative that possesses the responsibility to make a decision on behalf of their constituents is allowed the ability to make an informed decision based upon their ability to gain their own insight on the matter, often using the concepts embedded in *gikendamaazod*. Once this insight was obtained, the representative would share their “truth” on the matter. After each representative was able to share their position on a matter, each of the individual truths would merge to form the collective understanding, the collective truth, of the governing body. In traditional governance structure, ceremonies were integral in the governance process. Ceremonies provided context to *onaakonigewin*, law, pursuant to the principle of *mino-bimaadiziwin*, as achieved through the implementation of the seven grandfather teachings, by infusing the governance process with life energy and spirit as evidenced in the concept of *zagaswe’idiwin*, the mutual act of giving a smoke to someone, the mutual act of sharing a smoke with someone (especially a pipe in ceremony), and the mutual act of inviting someone to a council. Therefore, all governance decisions that were made during ceremony were considered sacred and binding.

280. *See generally* Part IV(E).

281. *See generally* Part IV(G).

R

VII. CONCLUSION

As this Article provides an introductory glimpse into the complex Anishinaabe principles associated with Anishinaabe jurisprudence it has identified how the foundational principles embedded in Anishinaabe law are derived from the ancestral link tying together the generations through language, traditional stories, and our continuous inter-relationship with the earth. In this process it has established how these foundational principles of Anishinaabe law are utilized to live a good life in harmony with all of creation and how the seven sacred laws of the creation—the seven grandfather teachings consisting of the principles of wisdom, love, respect, bravery, honesty, humility, and truth are utilized as foundational values for achieving harmony and implementing Anishinaabe law principles. This Article has also established how the traditional governance structure of the Anishinaabe is formed and built upon the tenets embedded within the seven grandfather teachings to develop the principles of culture, clan identity, sovereignty, and leadership. Through the analysis of the Little River Band of Ottawa Indians Court of Appeals customary law holding, this Article has provided insight into how the complex principles identified can be utilized by Anishinaabe tribal courts, tribal councils, and Anishinaabe law practitioners as “primary rules” in the development and furtherance of Anishinaabe Jurisprudence.

While it is recognized that the principles identified here are just a preview of the overall legal principles embodied in Anishinaabe law, it is my wish or *nimisawendaan*,²⁸² that tribal courts, tribal councils, and Anishinaabe law practitioners will use this Article to further discuss, develop and implement these and other Anishinaabe law principles in the preservation of the values that guide our way of life as Anishinaabe people through the generations along the interconnected string entitled *nindaanikoobijiganag*²⁸³ to our great-grandchildren.

282. *Misawendan*, OJIBWE PEOPLE’S DICTIONARY, <https://perma.cc/U5GB-HACU> (last visited May 10, 2021).

283. See Great Lakes Indian Fish and Wildlife Comm’n, *supra* note 14.

VIII. APPENDIX

Wenabozho Gaa-kiishkigwebinaand Zhiishiiban²⁸⁴

[When Wenabozho Decapitated the Ducks]

Wenabozho gii-pimosed bakade; gaa gegoo omiijisan. Maajibadaabiid zaaga'egan owaabamaan zhiishiiban gii-awi-bakaded omaa jiiigibiig. Miish abezhig zhiishiib, "Zhiishiibidog!" odinaan, "Wenabozho madaabii. Naawaj inaadagaag. Anooj izhiwebizi Wenabozho."

[Wenabozho was hungry as he walked along; he hadn't eaten anything. When he started to come to the shore of the lake he sees the ducks, getting hungry here on the beach. Then a certain duck tells them, "My fellow ducks! Wenabozho is coming to the shore. Swim for the middle of the lake. Wenabozho is up to something."]

Wenabozho onoondawaan zhiishiiban. "Gaawiin nishiimeyidog! Imaa noopiming niwii-niimi'idiimin noongom onaagoshig." Mii gaa-izhi-gopiid wiigiwaam imaa gaa-ozhitood waagaashkang. Wiigiwaam imaa bada-kidenig. Mii gaa izhi-onapidood giboodyegwaazonan, aasaakamig gaa-kashkapidood omaa o'ow bimoondang.

[Wenabozho hears the ducks. "No my little brothers! We are going to have a pow-wow this evening here in the forest." Then he went inland, making an arbor there, bending it to shape. The arbor was planted in the ground there. Then he tied a pair of pants in place like this, bundling up some moss here and carrying this off on his back.]

Miish I'iw inaad zhiishiiban, "Nishiimenyidog!" Odizhi-inaan, "Nishiimeyidog! Mii akeya bemoondamaan," ikido. "Nagamonan onow bimoondamaan. Owidi Mooniyaang izhinikaadeg, mii iwidi wenjibayaan. Miish omaa waa-onji-niimi'idiyaang noongom noopiming." "Apegish," gii-inendam wii-nisaad iniw zhiishiiban, wii-amwaad bakaded.

[Then he tells those ducks this, "My little brothers!" He tells them like so, "My little brothers! I'm carrying it this way," he says. "I'm carrying these on my back for the [give-away] songs. Over here at Montreal as it's called, I'm from over there. That's why we are going to have a pow-wow here in the forest today." "I hope," he thinks, as he wants to kill those ducks, wants to eat them as he is hungry.]

284. Mosay, *supra* note 256, at 28–33.

Gaa-izhi gopiiwaad iwidi, zhiishiibag o-niimi'idiwaad, biindigewaad imaa wiigiwaam. Megwaa oganoonaan, "Nishiimeyidog! Inga-nagam. Nishiimeyidog, bazangwaabishimok! Gego inaabikegon," odinaan iniw zhiishiiban. "Omaa apii azhigwaa maajiiyaan nishiweyaan."

[As they went inland over there, the ducks went over and danced, entering the arbor there. In the midst of it he talks to them, "My little brothers! I am going to sing. My little brothers, dance with your eyes closed! Don't peek," he tells those ducks. "Here at this time now I am starting the slaughter."]

Nishiimeyidogwen, gego inaabikegon

Giga-mamiskoshkiinzhigwem

Yo weh heh heh

Yo weh heh heh

[My little brothers, don't peek
Your eyes will turn red
Yo weh heh heh
Yo weh heh heh]

Mii aangodinong giishkigwebinaad iniw zhiishiiban, "kwenk," inwewan gi-
iwenh. "Haa nishiimeyidog, mii go waa-inweyeg." Nagano, gi-
ishkigwebinaad. "Wenk."

[From time to time he decapitated those ducks by wringing their necks, and, as the story goes, they called out, "kwenk." "Ha my little brothers, that's how you want to sound." He sings, wring their heads off, "Wenk."]

Miish a'aw zhingibiz gaa-izhi-doskaabamaad aaniin ezhichiged. Awenish ingiw gaa-kiishkigwebinaawaad iniw zhiishiiban? Mii gaa-izhi-bi-
ibaagimaad zhiishiiban, "Hey zhiishiibidog! Gidishkwamigonaan Wenabozho. Giga-abwaanigonaan." Aabita-zaagiziba'idiwaad ingiw zhi-
ishiibag. Mii go giuwenh iniw zhingibizan gaa-inaad, "Oon gidizhi-maaji-
kamigoog. Gaawiin a'aw iwidi, a'aw Anishinaabe, giga amwigosiin," ogii-
inaan. Mii wenji-mamiskoshkiinzhigwed gaye," ogii-inaan. Mii wenji-
mamiskoshkiinzhigwed a'aw zhingibiz.

[Then that helldiver opened his eyes to see what he [Wenabozho] was doing. Who had twisted the heads off the ducks? Then he called out to the ducks, "Hey my fellow ducks! Wenabozho is piling up our corpses. He's going to roast us over a fire." Those ducks are halfway out the door. Then, as the story goes, that helldiver is running away from him

to the shore as [Wenabozho] kicked him, hunching up his back. Then he told him this, “Oh they’ll work on you like this. That one over there, that Indian, he isn’t going to eat you,” he told that helldiver. “And your eyes will turn red,” he told him. That’s why that helldiver’s eyes turned red.]

Mii gaa-izhi-ayaad Wenabozho.

[That’s how Wenabozho was.]

Mii gaa-maajaad, apii ziibiwan madaabii, bimoomaad zhiishiiban gaa-kishkigwebinaajin, iidog iwidi waabandang wii-abwed iniw zhiishiiban. Imaa naa akawae gii-kiizhiitaad gii-nibaa aapiji giizizwaad onow zhiishiiban. Mii dash o’ow gii-nibaad.

[He left, [Wenabozho] came to the shore of the rivers, carrying the decapitated ducks, maybe seeing where he would roast those ducks over there. First of all he slept there extensively when he was ready, as he finished cooking those ducks. Then he slept.]

Mii dash awedig, ongow akandoowaagwen, “Akawaabin,” iniw gaa-in-aajimaad, “inaabin.” Bwaanag ongow boonowag. “Wiindamawishin awiia biidaaboonod.” Namanj apii nibaagobanen. Mii win waabamaawaad omaa bashkinedenig bwaanag. “Mii a’aw Wenabozho,” ikidowag. “Gegoo omaa odayaan.” Miish iniw miskwaaniganan wewebinamowaad, mii niigaan wiindamawaasig iniw akandoowaajin, akina gaa-izhi-mamoonid iniw abwaadang maajaanid.

[Then those people over there, those ones who must have been waiting in ambush, “Wait in watch,” they said of him, “peek down there.” These were Sioux that floated there. “Tell me if anybody floats up here.” I don’t know when he must have been sleeping. The Sioux could see him here as the steam rose [from his breath]. “That’s Wenabozho,” they said, “He’s got something here.” Then they shock [their] roaches in agreement, as the leader didn’t have to say anything to those waiting in ambush, they took all those things [Wenabozho] had roasted and left.]

Omaa apii win gaye gweshkozid, a’aw mewinzha iidog igo minozogoban, onishkaad inaabid Wenabozho bangii odabwaan gii-mamoonid, mamigod iniw bwaan. Mii dash ayi’ii gaa-izhi-nishkaadizid. Mii gaa-izhi-jaagizodizod, omaa apii maajaad. Mii dash o’ow gii-chaagizod, gizhi-ibazhed giuwenh omigiid. Mii dash onow mitigoonsan gaa-ani-izhi-ayaang.

2021

ANISHINAABE INAAKONIGEWIN

341

[And at this time as he wakes up, that [duck] having been done a long time, Wenabozho gets up glancing a bit towards his roast that they had stolen, those Sioux having taken it from him. Then he got mad. He burned himself, leaving here at this time. Then he burned up this here, so the story goes, getting itchy skin as he scabbed up. Then these sticks came to be like this.]

Mii dash i'iw gaa-ikidod: "Nishiimeyidog," ogii-inaan, "a'aw Anishinaabe omaa ge-ani-bimaadizid. Mii gaye ezhi-wiinineg apaakozigan, gaa-izhi-mi-inigoowaawiyeg." Mii gaa-ondinang Anishinaabe gaa-sagaswaadang apaakoziganan. Mii i'iw Wenabozho gaa-ozhitood i'iw.

[Then he said this: "My little brothers," he told them, "That Indians shall come to live here. And he'll call you *apaakozigan*, that's how you'll all be called." That's where the Indian gets the *kinnikinnick* he smokes. That's how Wenabozho made that.]

Mii inaadizookwewaad ongow akiwenziiyag mewinzha.

[That's how these old men told legends long ago.]

