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John Borrows

Law’s Indigenous Ethics

Many Anishinaabeg have lost their language. They've been removed from their homelands and their families. They sometimes don't know their names or their clans until adulthood.

Modern Anishinaabe governments in the United States do things differently than other American governments. But sometimes we don't know why.

"Law's Indigenous Ethics" was written with Canadian First Nations in mind but this work is incredibly valuable to American Anishinaabe people as well.
THE SEVEN GIFTS WORK IN LEAGUE WITH PRINCIPLES OF ANISHINAABE PHILOSOPHY, ROOTED IN INAwendewin, OR RELATIONAL ACCOUNTABILITY

ANISHINAABE LAW, OR INAAKONIWEN, DERIVES FROM THIS PHILOSOPHY, AND GIVES TANGIBLE MEANING TO THE SEVEN GIFTS. WESTERN THINKERS MIGHT CALL IT “NATURAL LAW” OR “CONSTITUTIONAL LAW.”
American Indian students attend law school with an eye toward the future of their families and their indigenous communities.

Anglo-American common law taught in law schools is nothing like Anishinaabe Naaakonigewin.

They sometimes struggle to maintain their focus on mino-bimaadiziwin.

But the tribal governments Indian lawyers represent after law school keep them balanced.

And the reverse is true, too.
CRIMINAL LAW

CRIME IS TERRIBLY DIFFICULT. HOW A NATION DEALS WITH CRIME SAYS A LOT ABOUT THAT NATION'S ETHICS.

THE AMERICAN JUSTICE SYSTEM DEPENDS ON EFFICIENCY. HEARINGS ARE SHORT AND THE COURT AND THE STATE COERCE DEFENDANTS TO WAIVE THEIR RIGHTS TO SPEED UP THE PROCESS. THERE ARE NOT ENOUGH RESOURCES, AND AMERICAN CRIMINAL JUSTICE IS RELENTLESSLY VINDICTIVE.

CRIME PUTS ANISHINAABE ETHICS TO THE TEST.

ANISHINAABE JUDGES WON'T LET DEFENDANTS WAIVE THE RIGHT TO COUNSEL OR TO APPEAL.

CRIMINAL DEFENDANTS IN AMERICAN TRIBAL COURTS RECEIVE FULL HEARINGS. SOMETIMES SIMPLE ARRAIGNMENTS THAT TAKE 5 MINUTES IN STATE COURTS TAKE HOURS IN ANISHINAABE COURTS. HEARINGS DON'T END UNTIL THE COURT IS CERTAIN THE DEFENDANT KNOWS THEIR RIGHTS.

ANISHINAABE COURTS ARE LOATH TO SENTENCE ANYONE TO EXTENDED JAIL TIME.

this is where we learn that there had been previous ill
CHILDREN AND THE LAW

Anishinaabe Benodjhenaag (Children) are the focus of modern tribal government.

Anishinaabe nations operate language immersion schools and otherwise dedicate enormous resources to Indian children.

Many tribes guarantee free higher education.

No Anishinaabe court would impose adult criminal laws on children. Non-Indian prosecutors do it all the time.

Anishinaabe nations use open adoptions to allow the possibility that Indian families broken up by addiction can one day be reunified.
There is incredible imbalance and disharmony in our land.

John Borrows reminds us that humans are not intended to be in control of the world.

We were created last. We should be last. Behind the skies, the waters, the air, and animals.

We are dependent on them, not the other way around.

Anishinaabe nations take their obligations to Anishinaabeki and the rest of the universe seriously.

“Law’s Indigenous Ethics” builds a legal code for Anishinaabe people to follow and modify as need. We owe John Borrows our gratitude.

Mino-bimaadiziwin.
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