



**University
of Victoria**

Graduate Studies

Notice of the Final Oral Examination
for the Degree of Doctor of Philosophy

of

AARON JAMES MILLS (WAABISHKI MA'IINGAN)

LLM (Yale University, 2012)
JD (University of Toronto, 2010)
BA (Carleton University, 2005)

**“Miinigowiziwin: All That Has Been Given for Living Well Together
One Vision of Anishinaabe Constitutionalism”**

Faculty of Law

**Wednesday, June 12
9:00am
Clearihue Building
Room B017**

Supervisory Committee:

Dr. John Borrows, Faculty of Law, University of Victoria (Supervisor)
Dr. James Tully, Professor Emeritus of Department of Political Science, UVic (Co-Supervisor)
Dr. Jeremy Webber, Faculty of Law, UVic (Academic Unit Member)
Professor Heidi Kiiwetinepineskiik Stark, Political Science, Uvic (Non-Unit Member)

External Examiner:

Dr. Kyle Whyte, Philosophy & Community Sustainability, Michigan State University

Chair of Oral Examination:

Dr. Colin Bennett, Department of Political Science, UVic

Abstract

I take that colonialism is animated by a principle of settler supremacy and that this principle generally serves as the defining feature of indigenous-settler relationships on Turtle Island today. The central contention argued in this dissertation is that changing this reality will require the revitalization of not only indigenous systems of *law*, but also the indigenous *legalities* of which they form part. To that end, Canada's unique form of liberal constitutionalism cannot serve as the constitutional framework within which indigenous law is revitalized. Rather, we shall have to advert to the fact that indigenous law was and is generated by unique indigenous legal processes and institutions, which find their authorization in unique indigenous constitutional orders, which are in turn legitimated by indigenous peoples' unique and varied creation stories.

The heart of this dissertation is a close examination of one indigenous people's legality. Based on my engagement with the gifts of diverse Anishinaabe writers and orators and on close work with my circle of elders, with *aadizookaanan*, in community and on the land, I present one view of Anishinaabe legality and explain how it results ultimately in *inaakonigewin*, an Anishinaabe conception of law. I give special emphasis to the earth-centric 'rooted' form of constitutionalism operative within Anishinaabe legality, which is characterized by mutual aid and its correlate structure, kinship.

I apply my study of rooted constitutionalism to the problem of colonialism in contemporary indigenous-settler relationships, arguing that it has already animated and can again animate a vision of treaty which is non-violent to indigenous peoples, settler peoples and the earth. Finally, I consider a host of counter-arguments on themes of fundamentalism, power, and misreading.