

Learning Law from Plants

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This article sows three seeds that tend to the question, how does the canon of Anishinaabe plant knowledge inform Anishinaabe law? Seed One is rooted in questions about how plants inform Anishinaabe law, and Canadian law by contrast, through various ecological and legal traditions. The Anishinaabe traditions considered include the practice of akinomaage (learning from the Earth), contemporary constitution writing and legal declarations, methods of drawing out law from Anishinaabe plant narratives, and learning through direct experience from Anishinaabe-trained ecologists. The Canadian traditions considered include legislation that interacts with plants, scientific input into contemporary judicial and legislative processes, and expert evidence in courts including from ethnobotanists. Seed Two raises questions about how plant bias operates within these two legal orders, and why we should be attentive to mitigating bias. Finally, Seed Three proposes an example of how and what we might learn about law from stinging nettle, drawing from the literature exploring what it means to be in an apprenticeship-like relationship with plants. This article shows how ecological traditions can enrich legal traditions when thoughtfully woven together.

Cet article sème trois graines qui tendent à la question suivante: comment est-ce que le canon des connaissances Anishinaabe sur les plantes informe-t-il le droit Anishinaabe? La première graine est enracinée dans des questions concernant la manière dont les plantes informent le droit Anishinaabe – et le droit canadien, par contre – par diverses traditions écologiques et juridiques. Les traditions Anishinaabe considérées comprennent la pratique de l'akinomaage (l'apprentissage de la Terre), la création des constitutions contemporaines et les déclarations juridiques, les méthodes pour tirer le droit à partir des récits Anishinaabe sur les plantes et l'apprentissage par l'expérience directe avec les écologistes Anishinaabe. Les traditions canadiennes considérées comprennent les lois qui interagissent avec les plantes, les contributions scientifiques aux processus judiciaires et législatifs contemporains et la preuve des expertes devant les cours, y compris les ethnobotanistes. La deuxième graine soulève des questions concernant la manière dont le préjugé contre les plantes fonctionne dans ces deux ordres juridiques et les raisons pour lesquelles nous devrions être attentifs à l'atténuer. Enfin, la troisième graine présente un exemple de comment et de ce que nous pouvons apprendre sur le droit grâce à l'ortie, en s'appuyant sur la littérature qui explore ce qu'il veut dire d'être dans une relation d'apprentissage avec les plantes. Cet article montre comment les traditions écologiques peuvent enrichir les traditions juridiques lorsque les deux sont soigneusement tissées ensemble.

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I. Introduction: Sorting Seeds

I am a new assistant professor at Queen's University Faculty of Law where I teach courses in the field of Indigenous legal studies. I use the term "field" here to refer to both a subject area, and to physical places. This article explores how we draw out law in unique ways when we seriously consider places like fields, forests, lakes, hills, escarpments, and rivers and the many beings who live there as legal relations.¹ When I worked as a lawyer at West Coast Environmental Law² and at the Indigenous Law Research Unit,³ our Indigenous community partners frequently took us onto the Land to contextually introduce us to their legal orders and legal relations.⁴ As a new professor, I want to help law students have similar experiences to better understand how Anishinaabe and Canadian legal orders are constituted in relation with plants.

In my view, Indigenous law is best introduced through immersive community-engaged and land-based courses. Students see law more holistically when they learn from the Land through places, people, and sources who are not typically found in university classrooms.⁵ Unfortunately, not every law student can participate in community-engaged and land-based courses due to limited offerings. Considering this gap, this article discusses how plants inform Anishinaabe law to introduce students to the field. I take a comparative approach in this work to help those immersed in the study of the common law to see one path (of many) for understanding a different legal order.

Anishinaabe is a general term that refers to the many Algonquian speaking peoples including the Ojibwe/Ojibway (Chippewa), Odawa, Potawatomi, Ojib-Cree, Saulteaux, Algonquin, Nipissing, Mississauga, and others.⁶ Anishinaabe territory is largely located around the Great Lakes region with significant com-

1 See Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996). See also John Borrows, *Drawing out Law: A Spirit's Guide* (Toronto: University of Toronto Press, 2010).

2 Jessica Clogg, "RELAW: Revitalizing Indigenous Law for Land, Air and Water" (2016), online: WCEL <<https://www.wcel.org/program/relaw>> [<https://perma.cc/8EV6-YCTU>].

3 Val Napoleon, "Indigenous Law Research Unit: A Research Unit at the University of Victoria" (2012), online: <<https://www.ilru.ca>> [<https://perma.cc/Y6S6-C59S>].

4 West Coast Environmental Law, "RELAW: Living Indigenous Laws" video, directed by Kamala Todd, online: <<https://www.youtube.com/watch?v=3Q8zkz25Rj8>> [<https://perma.cc/7K4Q-G5MN>]. See also Lindsay Borrows, *The Land is Our Casebook: Revitalizing Indigenous Law in Relation with the Living World* (LLM Thesis, University of Alberta Faculty of Law, 2022) [unpublished].

5 Deborah Curran et al, eds, *Out There Learning: Critical Reflections on Off-Campus Study Programs* (Toronto: University of Toronto Press, 2019).

6 Kekek Jason Stark, "Anishinaabe Inaakonigewin: Principles for the Intergenerational Preservation of Mino- Bimaadiziwin" (2021) 82:2 Montana L Rev 294.

munities further west as well.⁷ This article is one response to the question, *how does the canon of Anishinaabe plant knowledge inform Anishinaabe law?*⁸ One cannot simply enter in the search bars of common law research databases like CanLii, Westlaw, or Quicklaw: *how do plants inform law?* These databases are also typically unhelpful in answering Anishinaabe legal research questions. I will therefore also use Anishinaabe legal research methods to seed the following three topics.⁹

Seed One is rooted in questions about how Anishinaabe and Canadian law produce distinct relationships to plants through their varied ecological and legal traditions. Seed Two breeds questions about biases' reproduction and mitigation in relation to plants within these two legal orders. Finally, Seed Three is a generative foray into experiential learning, through what I call my own informal articling experience with stinging nettle (*Urtica dioica*), teaching me how to better cultivate my own legal skills.¹⁰ I develop these lines of inquiry in conversation with scholars and keepers of Anishinaabe plant knowledge, Anishinaabe law, Canadian environmental law, ethnobotany, and ecology.

II. Seed One: How Plants Inform Anishinaabe Law and Canadian Law through Ecological Traditions and Legal Traditions

Plants are living beings who are essential to sustaining life.¹¹ They provide many species with shelter, food, warmth, tools, oxygen, medicines, climate regulation, clothing, inspiration, and fuel. Plants have inherent worth as living beings, and Anishinaabe legal traditions contain resources for guiding actions about how

7 Edward Benton-Banai, *The Mishomis Book: The Voice of the Ojibway*, 2nd ed (St. Paul: University of Minnesota Press, 2010) at 95–104.

8 I'm grateful to ethnobotanist Dr. Pamela Spalding for her framing of this concept, the "canon of plant knowledge." She describes plant knowledge as a canon to highlight that one cannot fully understand peoples' relationships with plants by looking to one or two plants only. Instead, plants exist in communities and are best understood relationally through their connections with many other species. See Pamela Spalding, *Unsettling Landscapes: Applications of Ethnobotanical Research in Defining Aboriginal Rights and Re-affirming Indigenous Laws in T'Sou-ke Territory, Vancouver Island and Beyond* (PhD Dissertation, University of Victoria School of Environmental Studies, 2022) [Spalding, *Unsettling Landscapes*].

9 These methods include learning from Anishinaabe narratives, analyzing published written laws from Anishinaabe communities, examining writings from Anishinaabe knowledge-keepers, and engaging in experiential land-based inquiries followed by written reflection.

10 Hannah Pitt, "An Apprenticeship in Plant Thinking" in Michelle Bastian et al, eds, *Participatory Research in More-than-Human Worlds* (Abingdon-on-Thames, UK: Routledge Press, 2016) 92; Anna M Lawrence, "Listening to Plants: Conversations Between Critical Plant Studies and Vegetal Geography" (2022) 46:2 *Progress in Human Geography* 629.

11 See generally, David Attenborough, *The Private Life of Plants* (Princeton: Princeton University Press, 2005).

to lawfully engage with these beings.¹² Some of these resources include contemporary written documents, distant time stories, Anishinaabemowin (language), knowledge-keepers, and land-based practices.

By contrast, if you asked a Canadian lawyer how plants *inform* and *affect* law, you might initially be met with a puzzled gaze. In time, they might answer how the law informs and influences individual and commercial interaction with plants. Canadian law and policy, generally,¹³ either overlooks or exploits plants as resources for economic gain.¹⁴ Agriculture, Pharmaceuticals, and Forestry are three legislative regimes that govern how Canadians should engage with plants (as foods, medicines, and timber products).

Legislative objectives demonstrate their fused focus on exploiting plants for human purposes. For example, the purpose of the *Agricultural Products Marketing Act* is to “provid(e) for the marketing of agricultural products in interprovincial and export trade.”¹⁵ The *Farm Products Agencies Act* purpose is to “establish the National Farm Products Council and to authorize the establishment of agencies for farm products,”¹⁶ and the *Agricultural and Rural Development Act* “provide(s) for the rehabilitation and development of rural areas in Canada.”¹⁷ The *Food and Drugs Act* is focused on how to help people through “food, drugs, cosmetics, and therapeutic devices.”¹⁸ The *Forestry Act* aims to develop forests (for human profit).¹⁹ And the *Canadian Environmental*

12 See, for example, Mary Siisip Geniusz, *Plants Have So Much to Give Us All We Have to Do is Ask* (St Paul: University of Minneapolis Press, 2015); Verna Patronella Johnston, *Tales of Nokomis* (Don Mills: Musson Book Co, 1975); Robin Wall Kimmerer, “The Covenant of Reciprocity” in John Hart, ed, *The Wiley Blackwell Companion to Religion and Ecology* (Chichester: John Wiley & Sons Ltd, 2017) 368; Nicholas Reo and Laura Ogden, “Anishinaabe Aki: An Indigenous Perspective on the Global Threat of Invasive Species” (2018) 13 Sustainability Science 1443; Leanne Betasamosake Simpson, “Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation” (2014) 3:2 Decolonization: Indigeneity, Education & Society 7.

13 One potential example of an exception to this general overlooking and exploitation is the *Species at Risk Act*, SC 2002, c 29 [SARA]. I do note however that SARA is critiqued by environmental law scholars for its ineffective enforcement, and that species are not considered for protection until they face some level of threat.

14 This overlooking is particularly true in the case of non-commercially viable plants. See Janelle Marie Baker, “Boreal Plants that Enchant: A Lively Ethnography of Sakāwiyiniwak (Northern Bush Cree) Multispecies Kinship Obligations” (2022) 14:2 Environmental Humanities at 388. Exploitation is the norm for commercially harvested plants, and there is a whole field of study called “Economic Botany” which explores plants for their economic utility/viability. See generally, GE Wickens, *Economic Botany: Principles and Practices* (Boston: Kluwer Academic Press, 2001).

15 *Agricultural Products Marketing Act*, RSC 1985, c A-6.

16 *Farm Products Agencies Act*, 1991, c F-4.

17 *Agricultural and Rural Development Act*, RSC 1985, c A-3.

18 *Food and Drugs Act*, RSC 1985, c F-27.

19 *Forestry Act*, RSC 1985, c F-30.

Protection Act, Canada’s primary environmental regulatory statute,²⁰ seeks to regulate human behaviour in relation to plants through its primary purpose, which is reflected in the *Act*’s long title: “An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.”

You will notice the consistent reference to “development,” both explicit and implicit, across these various *Acts*. These legislative regimes facilitate development for human purposes, while the plants themselves are consistently ignored as primary beneficiaries. Plants are also represented before courts, legislatures, and administrative tribunals through scientists’ expert evidence.²¹ For example, forest ecologists contribute to forestry policies aimed at harvesting, forest regeneration, species preservation, and soil stability (to prevent flooding or landslides to protect human communities).²² Legislative incorporation of scientific evidence varies and is often influenced by politics and economics.²³

In addition, plants are weakly represented before Canadian courts when Indigenous peoples must introduce evidence from their knowledge-keepers and ethnobotanists to meet the burden of proving Aboriginal title to their territories. These experts present plant knowledge to prove how a First Nation has “sufficiently, continuously, and exclusively” occupied particular places.²⁴ To satisfy Canadian common law tests, the focus of these arguments are constrained. Dr. Pamela Spalding has identified some of the challenges arising in

20 *Canadian Environmental Protection Act*, SC 1999, c 33. See also Adam Chamberlain, “Guide to Doing Business in Canada: Environmental Protection” (20 October 2023) online (blog): *Gowling WLG* <<https://gowlingwlg.com/en/insights-resources/guides/2023/doing-business-in-canada-environmental-protection>> [https://perma.cc/8EFS-TDSJ].

21 For example, *Monsanto Canada Inc v Schmeiser*, 2004 SCC 34. See also Jonathan W Moore et al, “Towards Linking Environmental Law and Science” (2018) *FACETS* 375.

22 See, for example, British Columbia Government, “Modernizing Forest Policy in British Columbia: Setting the Intention and Leading the Forest Sector Transition” (2020), online (pdf): <https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/competitive-forest-industry/modernizing_forestry_in_bc_report.pdf> [perma.cc/F6PZ-2QQG]. In her book, *Finding the Mother Tree: Discovering the Wisdom of the Forest* (New York: Knopf Press, 2021), forest ecologist Suzanne Simard critiques how reputable science is not sufficiently integrated into mainstream forestry practices.

23 Brianna Scrimshaw Botchwey & Caitlin Cunningham, “The Politicization of Protected Areas Establishment in Canada” (2021) 6 *FACETS* 1146; Douglas A Kysar, *Regulating from Nowhere: Environmental Law and the Search for Objectivity* (New Haven: Yale University Press, 2010).

24 David M Robbins & Michael Bendle, “Tsilhqot’in Nation Aboriginal Title: Ethnoecological and Ethnobotanical Evidence and the Roles and Obligations of the Expert Witness” in Nancy Turner, ed, *Plants, People and Places: The Roles of Ethnobotany and Ethnoecology in Indigenous Peoples’ Land Rights in Canada and Beyond* (Kingston and Montreal: McGill-Queen’s University Press, 2020) 313. See also Spalding, *Unsettling Landscapes*, *supra* note 8.

utilizing ethnobotanical knowledge in Aboriginal law, including gender bias, static cultural interpretations, and translating Indigenous knowledge into the colonial court context.²⁵

From one perspective we may think of these examples simply as people informing the law. However, Anishinaabe worldviews regard plants as animate kin relations.²⁶ Thus, from another perspective the above examples could represent plants themselves participating in the legal process using scientifically trained people as intermediaries. Shifting how we view animate life impacts how people make, interpret, and apply law.²⁷ The following subsections draw out some examples of the philosophical foundations of human-plant relationships that influence Anishinaabe law — relationships that will be examined within Anishinaabe law through written, customary, and interdisciplinary illustrations. Further research is needed to examine additional foundational Anishinaabe plant philosophies, including, for example, teachings around the four sacred ceremonial plants: giizhik (cedar), wiingashk (sweet grass), bashkodejiibik (sage) and asemaa (tobacco).

A. Anishinaabe Plant Laws in Contemporary Written Documents

To uphold their obligations, Anishinaabe Nations sometimes pass regulations and legislation related to plants.²⁸ For example, the 2018 “Rights of Manoomin” (*Zizania palustris*, wild rice) regulation from the White Earth Band of Ojibwe (in Minnesota) recognizes manoomin’s legal personality and rights to flourish.²⁹ The regulation, enforceable under tribal law, also recognizes minimum ecological conditions required by manoomin to guar-

25 Pamela Spalding, “Making Space for Indigenous Legal Relationships with Plants in Aboriginal Law” (2025) 29:3 Rev Const Stud 403.

26 See, for example, Wendy Makoons Geniusz, *Our Knowledge is Not Primitive: Decolonizing Botanical Anishinaabe Teachings* (Syracuse: Syracuse University Press, 2009); Robin Michigijigookwe Clark et al, “Gathering Giizhik in a Changing Landscape” (2022) 27:4 Ecology & Society 29.

27 See generally, Maneesha Deckha, *Animals as Legal Beings: Contesting Anthropocentric Legal Orders* (Toronto: University of Toronto Press, 2021); Enrique Salmón, “Kincentric Ecology: Indigenous Perceptions of the Human-Nature Relationship” (2000) 10:5 Ecological Society of America 1327.

28 For a discussion on contemporary efforts to write down Anishinaabe law (given their history as primarily oral), see this thoughtful discussion in Leo Baskatawang, *Reclaiming Anishinaabe Law: Kinamaadwin Inaakonigewin and the Treaty Right to Education* (Winnipeg: University of Manitoba Press, 2023) at 88–90.

29 This is one example in a growing tribal movement in the United States where Indigenous peoples are granting rights to nature through their law-making authorities. Another rights of nature example from an Anishinaabe Nation (in the US) is the Sault Ste. Marie Tribe of Chippewa Indians Rights of Nature Resolution. See Native News Online Staff, “Sault Tribe Joins the Fight for Mother Nature’s Legal Rights with New Resolution” (25 April 2024), online: <<https://nativenewsonline.net/environmeourtnt/sault-tribe-joins-the-fight-for-mother-nature-s-legal-rights-with-new-resolution>> [perma.cc/87A9-82CX].

antee these rights.³⁰ In early spring of 2022, Manoomin appeared in their own right (as represented through their lawyers) before the judiciary of the White Earth Court of Appeals. Manoomin asked the Court to stop construction of the Enbridge Line 3 pipeline, alleging that the pipeline would negatively impact their survival.³¹ While the White Earth Court of Appeal did not decide in favour of Manoomin due to jurisdictional issues, this case nonetheless demonstrates how people might collaborate with plant relations by combining botanical Anishinaabe-gikendaasowin (knowledge) and law.³²

In the Great Lakes region of Canada, a Chi-Naakonigewin movement is growing, where Anishinaabe Nations are ratifying written constitutions that recognize human-earth relations in distinctive ways.³³ For example, section 10.4 of the *Deshkan Ziibiing Anishinaabe Aki Chi-Inaakonigewin* (Constitution) states:

Kina gwa Shkwanganing debendaagozjik miinwaa debendaagok naasaap da zhi gnowaambjigaade, dabishko gwanaa giigoonhik, asiniin/aazabikoon, bemaging, minidoonhshesak, ganebagook, miinwaa e-nii'oogaadejik. Kina gwa Akiing etek Deshkan Ziibiing Anishinaabe Aki. / Every citizen/member, including the fish, rocks, plants, flyers, crawlers and four-legged beings, is equal before and under the laws of Deshkan Ziibiing Anishinaabe Aki without discrimination or prejudice.³⁴

Recognizing plants as citizens or community members that are equal before and under the laws of the Chippewas of the Thames First Nation reinforces the idea that plants are part of the same community as humans. This provision

30 Rights of Manoomin Ordinance, White Earth Reservation Business Committee White Earth Band of Chippewa Indians, Resolution Number 001-19-009 (31 December 2018); Resolution Establishing Rights of Manoomin, White Earth Reservation Business Committee White Earth Band of Chippewa Indians, Res. No. 001-19-010 (31 December 2018), online (pdf): <<https://whiteearth.com/assets/files/judicial/codes/1855%20Res%20Estab%20Rts%20of%20Manoomin%202018%20with%20Resolution.pdf>> [perma.cc/4YRV-ASME].

31 *Minnesota Department of Natural Resources, et al v Manoomin, et al*, File No. AP21-0516 (White Earth Band of Ojibwe Court of Appeals). For the Tribal Court level decision, see *Manoomin; White Earth Band of Ojibwe v Minn Dep't of Nat Res*, No. 0:21-cv-01869- WMW-LIB (White Earth Band of Ojibwe Tribal Court, 5 August, 2021).

32 See Jason Kekek Stark, "Beshigwan Ji-Izhi Ganawaabandiyang: The Rights of Nature and its Jurisdictional Application for Anishinaabe Territories" (2022) 83:1 Montana L Rev 79.

33 Leelle N Derynck, *An Anishinaabe Tradition: Anishinaabe Constitutions in Ontario* (LLM Thesis, The University of Western Ontario Faculty of Law, 2020) [unpublished].

34 Chippewas of the Thames First Nation, *Deshkan Ziibiing Anishinaabe Aki Chi-Inaakonigewin* (11 August, 2018), online: <<https://www.cortfn.com/wp-content/uploads/2016/09/Deshkan-Ziibiing-Chi-Inaakonigewin-FINAL-7.24.18-WO-Crop-Marks.pdf%5D>> [*Deshkan Ziibiing Constitution*].

also recognizes that while plants are not the same species as humans, they are nonetheless deserving of substantive equality, legal status, and protection.³⁵

This is not the only provision of the *Deshkan Zibiing Anishinaabe Aki Chi-Inaakonigewin* (Constitution) that illuminates how plants should be treated, however. For example, the Preamble states the Nation's commitment to "uphold our relationship to our Anishinaabe Creation Story," and one important constitutional principle arising from the Creation Story is that humans are relative newcomers to Earth in comparison with other lifeforms like rocks, plants, animals, water, fire, wind (etc.).³⁶ Flowing from humans' status as relative newcomers, Anishinaabe people had to make agreements with those living beings who predated their arrival and to learn how to live from those who lived on Earth first. This creation narrative shows that humans are dependent on those first beings,³⁷ and acknowledging this vulnerability means accepting that humans must act with humility.³⁸ As Anishinaabe scholar Dr. Cary Miller writes: "The clearest demonstration of power was lack of dependence — hence, the animal and plant beings had more power than humans, as they could exist independently of humans with little difficulty, while humans were exceedingly dependent upon them." Acknowledging the Anishinaabe Creation Story in the *Deshkan Zibiing Constitution's* Preamble provides an interpretative foundation for the other sections within the Constitution to respect their Land-based teachings.

Furthermore, this *Chi-Naakonigewin* directs *Deshkan Zibiing Anishinaabe* people to "honour and abide by the Seven Grandfather teachings: *Zaagidwin* (Love), *Mnaadenmowin* (Respect), *Nbwaakaawin* (Wisdom), *Aakode'ewin* (Bravery), *Debwewin* (Truth), *Gwekwaadziwin* (Honesty), and *Dbaadendiziwin* (Humility)."³⁹ These teachings are also called the Seven Sacred Laws,⁴⁰ and their application gives meaning to the Anishinaabe practice of the Honourable Harvest, which conveys principles about how to lawfully en-

35 It is beyond the scope of this paper to meaningfully discuss what "equality" may mean within this articulation of Anishinaabe law. For a few introductory ideas, see John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) at 121 (the story of the Mole) and 150–155.

36 Affidavit of Heidi Kiiwetinewinewin Stark (Affirmed October 11, 2016), *Restoule v Canada*, Court File No: C-3512-14 at 7-9, online: <https://www.rht1850.ca/_files/ugd/d8bed7_e4605ff89bbe4f72b-4de277474dcf30c.pdf?index=true> [perma.cc/ZD9E-NVJ2]; Benton-Banai, *supra* note 7 at 5–9.

37 Cary Miller, "Every Dream is a Prophecy: Rethinking Revitalization — Dreams, Prophets and Routinized Cultural Evolution" in Jill Doerfler et al, eds, *Centering Anishinaabeg Studies: Understanding the World Through Stories* (East Lansing: Michigan State University Press, 2013) 119.

38 Lindsay Borrows, "Dbaadendiziwin: Practices of Humility in a Multi-Juridical Legal Landscape" (2016) 33:1 Windsor Y B of Access to Justice 153 [Lindsay Borrows, "Davaadendiziwin"].

39 *Deshkan Zibiing Constitution*, a 4.5(b), *supra* note 34 at 5.

40 Erica Daniels (director), Dr. Dave Courchene (writer), Peg City Pictures Inc, "The Seven Sacred Laws" film, online: <<https://www.turtlelodge.org/the-seven-sacred-laws/>> [perma.cc/29TY-Z4R9].

gage with (including taking) plant life.⁴¹ In this regard, a scholar writing at this intersection of ecology and law, botanist Dr. Robin Wall Kimmerer (Citizen Potawatomi Nation), reminds readers of Anishinaabe duties towards plants, in line with these seven sacred laws, when she writes:

If we are fully awake, a moral question arises as we extinguish the other lives around us on behalf of our own. Whether we are digging wild leeks or going to the mall, how do we consume in a way that does justice to the lives that we take?

In our oldest stories we are reminded that this was a question of profound concern for our ancestors. When we rely deeply on other lives, there is urgency to protect them. Our ancestors, who had so few material possessions, devoted a great deal of attention to this question, while we who are drowning in possessions scarcely give it a thought.⁴²

Dr. Wall Kimmerer's work is an extended meditation on how plants teach Anishinaabe people about their obligations to one another and the Earth. Incorporating the Seven Grandfather Teachings/Seven Sacred Laws into contemporary written Anishinaabe Constitutions is consistent with their portrayal in other contexts as foundational ethical guidelines for how to live well.⁴³ They give further meaning to many foundational ecological practices, including harvesting plant life for food, medicines, and other uses.

The final section of the Deshkan Ziibiing Chi-Inaakonigewin considered here (though there are others) is section 10.2(a), which states members have “the right to harvest the gifts of Creator in a sustainable manner.”⁴⁴ In addition to the Seven Great Laws, and the Honourable Harvest discussed above, practices like maple sugaring, berry picking, birch bark harvesting, offering asemaa (tobacco), wild ricing, and gathering medicines are all examples of plant-based practices that are guided by layering Anishinaabe standards, protocols, and often unwritten laws.⁴⁵ Harvesting requires an understanding of reciprocity — the balanced giving and taking — to ensure healthy relationships between the harvesters and those giving their lives. These principles and

41 Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants* (Minneapolis: Milkweed Press, 2016) at 175–204.

42 *Ibid* at 177.

43 John Borrows, *Law's Indigenous Ethics* (Toronto: University of Toronto Press, 2019) [John Borrows, *Law's Indigenous Ethics*].

44 *Deshkaan Ziibiing Constitution*, *supra* note 34 at 16.

45 Geniusz, *supra* note 12. For a resource focusing more broadly on how Indigenous plant laws focus on humans giving back to the Earth in a spirit of reciprocity, see Nancy Turner & Darcy Mathews, “Serving Nature: Completing the Ecosystem Services Circle” in H Bai et al, eds, *A Book of Ecological Virtues: Living Well in the Anthropocene* (Regina: University of Regina Press, 2020) 3.

practices are aimed at the relationships' sustainable continuation. Importantly, these plant-based harvesting practices are often women's work that has not always been valued as highly as men's work, due to gender-based discrimination.⁴⁶ Constitutionalizing the primacy of plant-human relationships can help mitigate some of these gendered biases including by acknowledging the foundational roles these relationships have in our lives.

Finally, there are various practical plant harvesting guidelines produced by Anishinaabe governing bodies, including the Great Lakes Indian Fish & Wildlife Commission ("GLIFWC"). "Formed in 1984, GLIFWC represents eleven Ojibwe tribes in Minnesota, Wisconsin and Michigan who reserved hunting, fishing and gathering rights in the 1836, 1837, 1842 and 1854 Treaties with the United States government."⁴⁷ Their webpage includes links to "non-timber forest product" harvesting guidelines including: maple sap/sugaring (i.e. avoid tapping the same trees many years in a row, number of spouts and spacing per tree etc.), ginseng (harvest season length, personal use, tribally harvested ginseng cannot be sold commercially etc.), bark (site management plan required for taking from over 20 trees), balsam boughs (how to harvest sustainably for evergreen holiday products like Christmas wreaths, pruning guidelines for future regeneration etc.),⁴⁸ non-birch lodgepoles (over 75 trees requires site management plan), and firewood (how to prevent spread of forest invasives, how many cords can be cut in one area etc.).⁴⁹ These guidelines are transsystemic, flowing from treaty rights, and speaking between both Anishinaabe and US state law.

1. The Practice of Akinomaage — Teachings from the Earth

I now turn to the practice of akinomaage as one example of a prominent ecological tradition that informs the Anishinaabe legal order.⁵⁰ Akinomaage is a word in the Anishinaabe language which means "teaching from the earth."⁵¹

46 Nancy Turner, "Passing on the News: Women's Work, Traditional Knowledge and Plant Resource Management in Indigenous Societies of North-western North America" in Patricia Howard, ed, *Women and Plants: Gender Relations in Biodiversity Management and Conservation* (London: Zed Books, 2003).

47 See the Great Lakes Indian Fish & Wildlife Commission homepage, online: <<http://www.glifwc.org>> [perma.cc/7QBJ-WR8H].

48 See also *National Forest Gathering Code*, Tribal Code Chapter 23, enacted by Sault Ste. Marie Tribe of Chippewa Indians, online (pdf): <<https://www.saulttribe.com>> [perma.cc/8UNE-UXGG].

49 See the GLIFWC Gathering/Ricing Guidelines, online: <<https://data.glifwc.org/regulations/gathering.php>> [perma.cc/Q7HV-UE6E].

50 Basil Johnston, *The Gift of the Stars: Anangoog Meegitawewinan* (Neyaashiingimiing: Kecedonce Press, 2010) at 11 [Johnston, *The Gift of the Stars*]. See also John Borrows, *Law's Indigenous Ethics*, *supra* note 43 at 5, 38, 161–163, 176–180.

51 Vern Northrup, *Akinomaage: Teaching from the Earth* (Duluth: Duluth Art Institute, 2019).

In the context of Anishinaabe law, *akinomaage* is the practice of looking to the Earth to learn how we too might pattern our lives. I've witnessed and learned from knowledge-keepers in my community of the Chippewas of Nawash First Nation, who regularly look to the living world and form analogies between plants and humans to understand how to take care of one another (in our families and broader communities), create safety for and from vulnerable people, and understand how to make agreements.

For example, Elder, Nawash band councillor, and Anishinaabe-trained ecologist Miptoon C. taught me a guiding principle of decision-making — to look holistically at a question or issue — through one of our many forest walks in 2012.⁵² On one particularly impactful walk he pointed out two trees growing side by side. One tree was tall with a thick trunk and many needles. The other was short and spindly. It was discoloured and had fewer needles, despite being the same species. Miptoon asked us which tree was stronger. At first it seemed obvious — the tall, robust-looking tree. Upon closer examination however, we noticed the stunted tree was not growing directly into the soil. Its roots were stretched over the base of a rock and extended a couple of feet before they reached the soil. These growing conditions were obscured by a low bush. His point was that we must judge with fuller context. He was teaching us to see the strength of each tree, and account for their growing conditions. He then encouraged us to remember these trees when we needed to judge situations involving people, too.

This teaching from the trees was given further meaning during one of our walks a few weeks earlier along the rocky shores of Georgian Bay on our reserve. Our task was to find and observe fossils in the rocks. At first, I was frustrated, as I couldn't see many fossils despite knowing there were thousands of fossils all around me. Seeing my discouragement, Miptoon encouraged me to walk slowly, and even sit in one place for a period before moving on. This encouragement to slow down was another pivotal lesson. It was a challenging one to implement because I was a law student at the time, facing the many time pressures of law school. It was a challenge I continued to encounter when I graduated because of the fast pace of legal practice. Honouring our various legal relations, especially those who speak different languages and move at different paces, requires us to learn and implement different approaches to relationship-building and decision-making.

52 I have not used Miptoon's full English name here in accordance with his teachings of humility.

The late Elder and Storyteller from the Chippewas of Nawash First Nation, Dr. Basil Johnston,⁵³ similarly taught profound lessons in how to observe more-than-human kin and analogize these teachings to other aspects of life.⁵⁴ In his book *Honour Earth Mother*, Johnston reflects on the Land as someone we can look to and learn how to live well. He writes:

Learning comes not only from books but from the earth and our surroundings as well. Indeed, learning from the mountains, valleys, forest, and meadows anteceded book knowledge. What our people know about life and living, good and evil, laws and the purposes of insects, birds, animals, and fish comes from the earth, the weather, the seasons, the plants, and the other beings. The earth is our book; the days its pages; the seasons, paragraphs; the years, chapters. The earth is a book, alive with events that occur over and over for our benefit. Mother earth has formed our beliefs, attitudes, insights, outlooks, values, and institutions.⁵⁵

Basil Johnston spent a lot of time quietly sitting on his porch in his later years reflecting and watching the world unfold. He recorded and published many important Anishinaabe plant stories including “The Gift of the Stars/Anangoog Meegiwaewinan,”⁵⁶ “The Flower/Wauwaussi-Koonae,”⁵⁷ “White Water Lily/Anung-ipeessae-bugoonce,”⁵⁸ and “Lightning Bugs and Lady’s Slippers/ Wauwautaessiwuk, wau-oonae moccazinun,”⁵⁹ to name a very few. The story “The Gift of the Stars” tells of a young boy who spends many evenings observing the stars with his grandmother.⁶⁰ When they see shooting stars fall towards the Earth, she explains to him that the stars are all babies, and those who fall to Earth are babies being born. The boy longs to have a baby come to him as a gift, but the grandmother explains he is not a woman, so his gift will be different. One day he sees a star fall to the Earth and he goes to the pond to see where it has landed. He notices a new flower — shining white water lilies fill the pond. They call out to him, “take me home!” He learns they are medicines who want their gifts to be used. He listens to their message and brings the medicine gifts to his grandmother, which helps her recover from her illness.

53 Basil Johnston, *Honour Earth Mother: Mino-Adujaudaub Mizzu-Kumik-Quae* (Neyaashiinigmiing: Kecedonce Press, 2003) [Johnston, *Honour Earth Mother*].

54 Lindsay Borrows, “Dabaadendiziwin”, *supra* note 38 at 153–154.

55 Johnston, *Honour Earth Mother*, *supra* note 53 at 5.

56 Johnston, *The Gift of the Stars*, *supra* note 50 at 19–26.

57 *Ibid* at 27–31.

58 Basil Johnston, *Living in Harmony: Mino-nawae-indawaeWIN* (Neyaashiinigmiing: Kecedonce Press, 2011) at 23–34.

59 *Ibid* at 75–84.

60 Johnston, *The Gift of the Stars*, *supra* note 50 at 19–21.

There are many teachings about law within this story, “The Gift of the Stars.” For example, the importance of listening to Elders as a source of authority when counsel is needed (in this case the boy’s grandmother). The other source of authority the boy was instructed to listen to, was the plants themselves. He heard them say “take me home!” and he followed their instructions. Those trained in other ecological traditions might not have known how to listen to the lilies’ message. The boy then followed an obligation to share the gift of the water lily medicine more widely. The water lily holds different types of medicine — its beauty attracts pollinators and Anishinaabe admiration, and its roots hold pharmaceutical healing when consumed. The story associated with the water lily contains lessons about how to seek out companionship, but there are also stories associated with the lily that teach patience and obedience, such as those found in bear-walker stories.⁶¹ A general underlying principle we might draw out from Basil Johnston’s story about the connection between the stars and water lilies is the importance of nurturing children to find their gifts, including through paying attention to the more-than-human world.

Lenore Keeshig is an ethnogeologist, storyteller, and poet from the Chippewas of Nawash First Nation. In her poetry collection titled *Running on the March Wind*, she writes a section called “Songs of the Trees.” The following excerpt is from her poem titled, “Cedar.” It reinforces similar teachings as “The Gift of the Stars” story, including cultivating relationships with particular plant species and paying attention to the teachings of the more-than-human.

...
cedar’s
sweet breath
cedar’s cool
touch
touches
my face, my
shoulders,
my tired
body, and
I am again refreshed

I remember
now

61 Basil Johnston, “The Bear-Walker” in Basil Johnston, *The Bear-Walker and Other Stories* (Toronto: Royal Ontario Museum, 1995) 7.

cedar —
a blessing
a gift
a power
a strength
--I had
almost forgotten⁶²

This poem may not immediately appear to be legally relevant if one believes that law is only developed by legislatures, administered by executives, and enforced by courts. While law does flow from these sources in some contexts, a state-centric view of law can be under-inclusive. For Anishinaabe people, legal principles can also be collectively identified and drawn from the more-than-human world, and applied more directly, through direct individual action. Lenore Keeshig's poem invites the reader to sense cedar's lifeforce through their breath and touch. The poet shares how this exchange acts as medicine and refreshes her being. It is common knowledge that many plants are medicinal, and in this poem, there is no need to ingest or specially prepare the cedar — it is enough to simply share presence. The poem also reminds us that in the busyness of life, we sometimes forget these healing relationships, and that remembering the power, strength, gift, and blessing of our plant relations (like cedar and others) can have great benefit for both of us, given we take better care of what we appreciate.

Strikingly, in Anishinaabe law, plants inform more than what may be crisply categorized in Canadian law as “environmental decision-making.” Lessons from plants can also inform areas like family law, criminal law, contract law etc.⁶³ For example the Anishinabek Legal Traditions (“ALT”) Report, produced through the Accessing Justice and Reconciliation Project, articulates and examines various Anishinaabe legal responses to harms through a methodology that places Anishinaabe narratives in conversation with community members’ analyses.⁶⁴ Some of the narratives used to explore legal approaches to harms between people in the ALT Report include stories about plants. As one of the researchers on this project, I found that Nawash community members

62 Lenore Keeshig, *Running on the March Wind* (Toronto: Quattro Books Inc, 2015) at 68.

63 These common law categories would be differently named and situated internally within Anishinaabe law.

64 Hannah Askew et al. “Anishinabek Legal Summary: A Part of the Anishinabek Legal Traditions Report” (Victoria, BC: Indigenous Law Research Unit, University of Victoria Faculty of Law, 2014), online (pdf): <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-265.pdf> [Askew, “A Part of the Anishinaabe Legal Traditions Report”].

had no problem analogizing the actions of plant characters to human characters and treating such analogies as relevant to the regulation of the community's relationships.

Some of the plant stories in the ALT Report include, "The Rabbits and the Roses,"⁶⁵ "Zeesigoobimeeshuk/Red Willows,"⁶⁶ "Legend of the Birch Tree,"⁶⁷ "Mandamin,"⁶⁸ and "The Jewel Weed."⁶⁹ One of the Nawash community members interviewed in this research, Neepitaypinaysiqua-baa, discussed the "Legend of the Birch Tree." In making sense of why the Chief Pine tree unilaterally decided that Birch Tree should have lightning strike her as a consequence for her vanity, Neepitaypinaysiqua-baa said, "[w]ell, the pine tree wanted to keep order and sometimes when there is disorder people in that position will do whatever they can to bring back order again."⁷⁰ She reasoned by way of analogy how humans act based on how the pine tree acted in this story. Sometimes leaders are under an immense amount of pressure and must make difficult decisions. She disagreed with the Pine's actions, saying "he attacked her weakness ... her vanity and I don't agree with it but that's what it looked like to me ... for someone who has power then exercises that power over another being there is no equality in that and I personally can't agree with it."⁷¹ This is consistent with how other stories about plants used in this project were approached by community members: as opportunities to analogize and distinguish their own understandings of human behaviours (as they applied to the broad question of "Anishinaabe legal responses to harms").

Another example of this interdisciplinary application of akinomaage teachings is found in another Chippewas of Nawash First Nation member John Borrows' writing about how knowledge of grass can inform Anishinaabe treaty interpretation. He writes the following passage in the context of giving further meaning to the language used in early treaties signed between the Crown and Indigenous Nations that they will last "as long as the sun

65 Basil Johnston, "The Rabbits and the Roses" in Basil Johnston, *Ojibway Heritage* (Toronto: McLelland & Stewart, 1976) 44.

66 Basil Johnston, "Zeesigoobimeeshuk/Red Willows" in Basil Johnston, *The Bear Walker and Other Stories* (Toronto: Royal Ontario Museum, 1995) 34.

67 Verna Patronella Johnston, "Legend of the Birch Tree" in Verna Patronella Johnston, *Tales of Nokomis* (Don Mills: Musson Book Co, 1975) 50 [Johnston, *Tales of Nokomis*].

68 "Mandamin" in John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press) 276.

69 Verna Patronella Johnston, "The Jewel Weed" in Johnston, *Tales of Nokomis*, *supra* note 67 at 14–17.

70 Askew, "A Part of the Anishinaabe Legal Traditions Report", *supra* note 64 at 16–17.

71 *Ibid* at 17.

shines, the grass grows, and the river flows.”⁷² He says that when looked to as legal teachers, plants bring a perspective rich with medicine, strength, healing, growth, sustainability, and standards of judgment.⁷³

How can we learn law from the grass? One word for grass in Anishinaabemowin is *meyashkooshag*. For the Anishinaabe, grass is medicine. It is *mashkiikii* — the strength of the earth. The earth delivers power to other beings through a plant’s veins, roots, stems, branches, and leaves ... When Anishinaabe observe grass, and they reason together about what it represents, we again find standards for judgment. We need to draw strength from one another and think of law as medicine. Among our other duties to one another is one to act in healing and life affirming terms. Like the plants, we must find ways to appropriately give ourselves so that others may grow. We must draw others to the sources of healing found in the earth and Indigenous laws around us, and we must do this sustainably.⁷⁴

Some questions that may arise in considering the application of this practice of *akinomaage* include: what training is required to observe grass, cedar, or water lilies? How do people reason together to make collective meaning of what they observe, and how does this then become authoritative? What considerations should we keep in mind when drawing out standards of judgment from plants? Do plants necessarily centre healing, and principles of sustainability, or might they just as often show toxicity and competition? In other words, how might we know when to distinguish versus analogize lessons from plants? And a final important inquiry: are these questions relevant to non-Indigenous scientific and legal traditions, too? I believe these questions are equally relevant to both Anishinaabe and Canadian law and science. Ecological traditions like Western science have much to offer the world, and we can benefit from carefulness, nuance, and woven (or “two-eyed seeing”) approaches in their practice, interpretation, and application to law.⁷⁵

Despite an immense body of localized ecological knowledge meticulously observed over time, Indigenous knowledge-holders have had fewer opportuni-

72 John Borrows, “Earth-Bound: Indigenous Resurgence and Environmental Reconciliation” in Michael Asch et al, eds, *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings* (Toronto: University of Toronto Press, 2018) 52.

73 *Ibid* at 55.

74 *Ibid*.

75 Cheryl Bartlett, Murdena Marshall & Albert Marshall, “Two-Eyed Seeing and Other Lessons Learned within a Co-Learning Journey of Bringing Together Indigenous and Mainstream Knowledge and Ways of Knowing” (2012) 2:4 *Journal of Environmental Studies & Sciences* 331.

ties than scientists to share their findings in Canadian legal settings.⁷⁶ As Métis wildlife biologist Dr. Allyson Menzies writes:

Environmental stewardship dictated by Indigenous laws, values, and knowledge systems plays a critical role in preserving and protecting biodiversity and entire ecosystems, worldwide. Yet, natural resource management and associated decision-making processes in Canada, especially at the government and academic levels, have a history of exclusion of Indigenous voices and remain guided primarily by Western-science-based knowledge systems.⁷⁷

Menzies' research describes how in her conversations with Indigenous trappers and harvesters they would regularly reveal knowledge that is completely new to the scientific literature.⁷⁸ These scientific insights from Indigenous knowledge-holders have significant implications within Indigenous legal traditions, as well as Canadian law.

The field of Indigenous law is rich in perspectives that teach about Earth relationships that blur culturally informed boundaries and hierarchies between species.⁷⁹ Within Anishinaabe worldviews, humans, other animals, and plants regularly change between forms.⁸⁰ Sometimes more-than-human beings are referred to in political terms such as Hoof Nation⁸¹ and Plant Nations,⁸² and historic treaties/agreements were made with these Nations that have ongoing

76 Part of this is due to the challenges for Indigenous peoples in presenting evidence rooted in their knowledge systems in colonial court settings. See Bruce Miller, *Oral History on Trial: Recognizing Aboriginal Narratives in the Courts* (Vancouver: University of British Columbia Press, 2011).

77 Dr. Allyson Menzies, "Current Research", online: <<http://allysonmenzies.weebly.com/research.html>> [perma.cc/3GZZ-L9H9].

78 Rebecca Medel, "Science Can Benefit from Indigenous Land User Knowledge in Battle Against Climate Change" (20 April 2022), online: *Toronto Star* <https://www.thestar.com/news/canada/science-can-benefit-from-indigenous-land-user-knowledge-in-battle-against-climate-change/article_33993ec9-8ef9-5816-827b-1fdb2ff23950.html> [perma.cc/KM72-G2JJ].

79 See, for example, Darcy Lindberg, *Nēhiyaw Āskiy Wiyasiwēwina: Plains Cree Earth Law and Constitutional/Ecological Reconciliation* (PhD Dissertation, University of Victoria Faculty of Law, 2020) [unpublished]; Robert YELKĀTTE Clifford, "Listening to Law" (2017) 33:1 Windsor YB Access Just 47; Aimée Craft, *Treaty Words: For As Long As the River Flows* (Toronto: Annick Press, 2021); Sarah Morales, "St'lul Nup: Legal Landscapes of the Hul'qumi'num Mustimuhw" (2017) 33:1 Windsor YB Access Just 103; Tuma Young, "L'nuwita'simk: A Foundational Worldview for a L'nuwey Justice System" (2016) 13 Indigenous LJ 75 at 75–102.

80 Importantly human groups are rarely homogenous and instead demonstrate a diversity of beliefs, which is also true of Anishinaabe people. Physical transformation is a shared component of the stories at a broad cultural level. See for example, Geniusz, *supra* note 13.

81 "Our Treaty with the Hoof Nation" in Leanne Betasamosake Simpson, *The Gift is in the Making: Anishinaabeg Stories*, (Winnipeg: HighWater Press, 2013) 9.

82 Nicholas Reo & Laura Ogden, "Anishinaabe Aki: An Indigenous Perspective on the Global Threat of Invasive Species" (2018) 13 Sustainability Science 1443.

implications today.⁸³ The Truth and Reconciliation Final report states that reconciliation between Indigenous peoples and the Crown requires our collective reconciliation with the Earth.⁸⁴ Dr. John Borrows similarly writes that:

We sever ourselves from what sustains us if we separate politics from the air, water, rocks, plants, insects, birds, animals and other such kin. Our political lives depend on respectfully nurturing that which nurtures us, which includes our natural environments. The living world provides the very conditions from which all other activities flow. We cannot be reconciled with others unless we first reconcile ourselves with the living world.⁸⁵

Given the centrality of these relationships with the more-than-human world within Anishinaabe (and other Indigenous) legal traditions, reconciling Crown-Indigenous relations necessarily involves the Earth. Nourishing healthy relationships with plants is part of this broader work.

2. Strengthening the Relationship Between Diverse Ecological Traditions in Law

Canadian law is increasingly critiqued for its failure to take care of the Earth.⁸⁶ Youth are involved in lawsuits reminding current leaders that they are future ancestors, with the power to make choices to pass on a healthy environment for the children of today and tomorrow.⁸⁷ Protests occur nationwide with the goal of protecting and raising awareness of threatened ecosystems.⁸⁸ And a body of

83 Heidi Kiiwetinewinipiesiik Stark, "Respect, Responsibility, and Renewal: The Foundations of Anishinaabe Treaty Making with the United States and Canada" (2010) 34:2 *Am Indian Culture and Research J* 145; Heidi Stark, "Marked by Fire: Anishinaabe Articulations of Nationhood in Treaty Making with the United States and Canada" (2012) 36:2 *Am Indian Q* 119; A number of tribes in the Alberta/Montana region signed the *Buffalo Treaty* (2014) with the intent to revitalize their relationships with bison, online: <<https://www.buffalotreaty.com>> [perma.cc/TBS2-AUGE].

84 Truth and Reconciliation Commission of Canada, "Honouring the Truth, Reconciling for the Future, Summary of the Final Report of Truth and Reconciliation Commission of Canada" (2015) at 18.

85 John Borrows, "Foreword" in Jim Tully et al, eds, *Democratic Multiplicity: Perceiving, Enacting, and Integrating Democratic Diversity* (Cambridge: Cambridge University Press, 2022) 1.

86 Justina Ray et al, "When it comes to addressing the biodiversity crisis, Canada's environmental laws fall short" (19 July 2021), online: *The Narwhal* <<https://thenarwhal.ca/opinion-biodiversity-crisis-environmental-laws/>> [perma.cc/646D-JZ9J]; Meinhard Doelle, "Decades of Climate Policy Failure in Canada: Can we Break The Vicious Cycle?" (8 August 2018), online: *Dalhousie University* <<https://blogs.dal.ca/melaw/2018/08/08/break-the-vicious-cycle/>> [perma.cc/T7RJ-LV4H]; Andrew Gage, "Some advice to Canada on how to stop failing on climate change" (14 July 2020), online: *West Coast Environmental Law* <<https://www.wcel.org/blog/some-advice-canada-how-stop-failing-climate-change>> [perma.cc/JS2F-TCXW].

87 *Mathur v Ontario*, 2024 ONCA 762. See also David Suzuki Foundation, Youth Climate Lawsuit, online: <<https://david Suzuki.org/project/youth-climate-lawsuit/>> [perma.cc/MY5L-FRLE].

88 "Civil (Dis)Obedience" in John Borrows, *Freedom and Indigenous Constitutionalism* (Toronto: University of Toronto Press, 2016) 50.

academic literature argues for the need to create better processes to ensure science grounds environmental law.⁸⁹

For example, biology professor Dr. Jonathan Moore's research recommends ways to weave science about plants (and other species/habitats) into law including through linking science and law throughout the policy cycle, actionable science (i.e. easy for non-science trained decision-makers to implement), writing op-eds and open letters, more monitoring, retrospective analyses, scientific input in policy reform, scientific basis of guidelines/standards, and prospective policy analyses.⁹⁰

As part of their efforts to strengthen impoverished environmental laws in Canada, non-Indigenous people are increasingly turning to Indigenous legal orders for wisdom and insight.⁹¹ They are recognizing the biases implicit within a system (both cultural and legal) that views more-than-human beings as inanimate things or property to be exploited, instead of living beings with whom we are in interdependent relationships.⁹² Of course, Indigenous laws are important regardless of whether or how they help settler states solve their problems, and we need to be careful not to relegate their revitalization and application based solely on this utilitarian view. We also need to be careful not to romanticize Indigenous legal orders as inherently "in tune with nature" or anti-development. After weighing different needs, Indigenous peoples too sometimes choose to engage in largescale resource extraction with lasting environmental impacts.⁹³ Indigenous laws allow for diverse interpretation amongst citizens, just as Canadian law is continually interpreted in diverse ways (for example, minority and majority judgements, and through different levels of court decisions).

89 AR Westwood et al, "The Role of Science in Contemporary Canadian Environmental Decision Making: The Example of Environmental Assessment" (2019) 52:1 UBC L Rev 243; David Boyd, *Unnatural Law: Rethinking Canadian Environmental Law and Policy* (Vancouver: UBC Press, 2003); Stepan Wood et al, "What Ever Happened to Canadian Environmental Law?" (2010) 37:4 Ecology LQ 981.

90 Jonathan Moore et al, "Towards Linking Environmental Law and Science" (2018) 3 FACETS 375.

91 Deborah Curran & Val Napoleon, "Ethnoecology and Indigenous Legal Traditions in Environmental Governance" in Nancy Turner, ed, *Plants, People and Places: The Roles of Ethnobotany and Ethnoecology in Indigenous Peoples' Land Rights in Canada and Beyond* (Kingston and Montreal: McGill-Queen's University Press, 2020) 269.

92 For one excellent edited collection exposing the current extractive-focused worldviews, and possibilities for living in other ways, see Gavin Van Horn et al, *Kinship: Belonging in a World of Relations* (Libertyville: Center for Humans & Nature Press, 2021).

93 For example, the Tahltan Nation in northern BC have agreed to Tahltan-led mining in their territories. See British Columbia Government, Environmental and Climate Change Strategy, "Tahltan Nation, B.C., sign historic consent-based decision-making agreement" (1 November 2023), online: <<https://news.gov.bc.ca/releases/2023ENV0061-001707>> [perma.cc/WN6A-BT7W].

Some practitioners and scholars of Indigenous law are communicating their long standing legal obligations and constituting practices with the more-than-human world by illuminating the methods through which their laws are created and revitalized, and the substantive principles, processes, expectations, and responsibilities of citizens to live in ways that allow for measured giving and taking from the Earth.⁹⁴ When laws fall short or become inadequate due to changing conditions, they, like the land herself, can transform and be refreshed through thoughtful reframing.

Seed One of this article has shown that while Canadian law and Anishinaabe law are both informed and affected by plants, they are each grounded in unique worldviews with distinctive starting places that influence how law grows. In the next section of the article, I will now directly consider plant bias, and how this influences decision-making in Anishinaabe and Canadian law.

III. Seed Two: Tending to Bias Against Plants

In the Introduction of this article, I argued that Canadian law primarily overlooks or exploits plants for commercial purposes to benefit some groups of people.⁹⁵ In her book, *Lessons from Plants*,⁹⁶ microbiologist Dr. Beronda Montgomery elaborates further on this insight, writing that our “tendency to overlook plants [is] ‘plant bias.’ Indeed, experimental research and surveys have demonstrated that humans prefer animals to plants and are more likely to notice and remember them.”⁹⁷ After the *Oxford Junior Dictionary* replaced words from the natural world such as acorn, blackberry, and bluebell with words like broadband and celebrity, a groundswell of opposition rose.⁹⁸ While public recognition that children in westernized countries are, on average, using fewer words from the natural world than they used to was an awakening to our changing times, there are many efforts to reinvigorate people’s relationships

94 See footnote 79. See also Nancy Sandy, “Stsqey’ulecw Re St’exelcenc (St’exelcenc Laws from the Land)” (2016) 33:1 Windsor YB Access Just 187.

95 Plants are not the only biological kingdom that is overlooked and exploited in law. The field of animal law uncovers how animals are routinely exploited through mainstream systems like industrial agriculture. Fungi are also routinely overlooked despite their status as living beings, and the foundational role they play in ecological system health. See the work generally of the Fungi Foundation, supported by New York University: Fungi Foundation, “Fauna, Flora, Funga”, online: <<https://www.ffungi.org>> [perma.cc/LWFJ-J8UF].

96 Beronda L Montgomery, *Lessons from Plants* (Cambridge: Harvard University Press, 2021) at 2.

97 Mung Balding & Kathryn JH Williams, “Plant Blindness and the Implications for Plant Conservation” (2016) 30 Conservation Biology 1192.

98 Alison Flood, “Oxford Junior Dictionary’s Replacement of ‘Natural’ Words With 21st-century Terms Sparks Outcry” (13 January 2015), online: <<https://www.theguardian.com/books/2015/jan/13/oxford-junior-dictionary-replacement-natural-words>> [https://perma.cc/76CW-7XW4].

with the Earth across countless communities.⁹⁹ But why are so many people across the globe overlooking plants as members of our communities? The answer is multifaceted.

In their early work on plant bias, American botanists and biology educators Wandersee and Schussler outlined five characteristics of human perception and visual cognition that explain why people tend to overlook plants.¹⁰⁰ They write, “beginning in the first six weeks of infantile life, humans develop a propensity to respond first to things in their environment that have faces, and animals best meet this search criterion.”¹⁰¹ Research shows our brains experience plants as distinctive from many forms of animal life.¹⁰² Plants often appear to people as stationary, operating on a timeline that can seem less dynamic when measured against our typical standards of judgment for activities like eating, travelling, and growing. As Wandersee and Schussler note, “[t]his helps to explain the ‘plants as backdrop’ phenomenon. Contrary to the cliché, we are actually more likely to see just the forest, and not the trees.”¹⁰³

Plants sometimes also appear to people as homogenous given their many layers of green and how close they grow to one another. “If objects are not sufficiently different from their backgrounds, they blend in with their surroundings and nothing is perceived.”¹⁰⁴ To help our brains process that something exists, “the stimulus must actually be present.”¹⁰⁵ But “approximately half of the biomass of many plants (the root system) is found underground.”¹⁰⁶ Furthermore, plants do not typically pose a safety risk, so they “can usually be ignored without dire consequences.”¹⁰⁷ There are exceptions to this, however: when I take law students outside for land-based learning in southern Ontario, I make sure some of the first plants they are introduced to are poison ivy and stinging nettle.

99 The following book (which turned into a project with a teaching guide and many speaking events) was published in response to the removal of words related to the natural world from the children’s dictionary: Robert Macfarlane & Jackie Morris, *The Lost Words: A Spell Book* (Toronto: House of Anansi Press, 2017).

100 James Wandersee & Elizabeth Schussler, “Preventing Plant Blindness” (1999) 61:2 *The American Biology Teacher* 82. See also Stefano Mancuso, *Brilliant Green: The Surprising History and Science of Plant Intelligence* (Washington, DC: Island Press, 2015).

101 Wandersee & Schussler, *supra* note 100 at 86.

102 *Ibid.*

103 *Ibid* at 85–86.

104 *Ibid* at 85.

105 *Ibid.*

106 *Ibid.*

107 *Ibid.*

Wandersee and Schussler also emphasize a key cultural factor that has led to plant bias across the United States: the failure of public-school biology courses to sufficiently introduce young people to the wonder of plants.¹⁰⁸ Though their work flows from an American context, it presents us all with an opportunity to reflect on the epistemologies favoured in our home institutions. They assert that most people have “had few meaningful education[al] experiences involving plants ... [and that] we can only recognize what we know.”¹⁰⁹ “Once objects have acquired meaning for an observer,” they say, “they are more likely to be perceived.”¹¹⁰ The research on how to overcome bias more generally shows added complexity on overcoming our unconscious prejudices, but education, stories, and personal experiences are certainly part of the work.¹¹¹

Does plant bias operate within Anishinaabe worldviews in the same way as Wandersee and Schuster lay out? This answer, too, is multifaceted. Just as it can be hard to generalize information about people even within nuclear families let alone populous nations, Anishinaabe people are not uniform. While I think the psychology research on some of the brain-science based challenges of distinguishing plants may apply similarly, I see the key difference as flowing from their point about the impacts of education in reinforcing bias (which in turn may influence human psychology, a case study of nature vs nurture).

In his book *Reclaiming Anishinaabe Law: Kinamaadiwin Inaakonigewin and the Treaty Right to Education*, Dr. Leo Baskatawang lays out the devastating impacts of colonial control over Anishinaabe education, including for example Indian residential schools, Indian day schools, and now provincial curriculums that are not rooted in Anishinaabe pedagogies, worldviews, or understandings of what constitutes legitimate and important knowledges.¹¹² To address the past impacts and continuing reality where Anishinaabe people receive much of their education from state-run systems that are not rooted in their worldviews, Baskatawang advocates for policy makers to recognize and affirm Anishinaabe education laws (including contemporary codified laws).

Some Anishinaabe people grow up learning about intelligent plants and animals who formed councils and reasoned with one another, investigated problems, and developed solutions to society’s challenges — a society com-

108 *Ibid* at 84.

109 *Ibid* at 85.

110 *Ibid*.

111 Jessica Nordell, *The End of Bias, A Beginning: The Science and Practice of Overcoming Unconscious Bias* (New York: Metropolitan Books, 2021).

112 Baskatawang, *supra* note 28.

posed of many species.¹¹³ They might learn Creation Stories about when the Earth was covered by water, and the Land grew from a pinch of dirt Muskrat obtained and placed on Turtle's back.¹¹⁴ They might affiliate with more-than-human clans (usually animals and sometimes plants) as part of their broader governance system that draws from interspecies relationships.¹¹⁵ They might grow up laughing at the eccentricities of the trickster tales, as he tries his best to make agreements and live well with others around him, even as he often falls short of his ideals.¹¹⁶ And they may go out on the Land regularly to learn about different plants around their homelands and waters.

These are not the only sources that might inform contemporary Anishinaabe thinking about more-than-humans, however. Many people engage with popular books and media. Maybe they watch the Disney movie *The Little Mermaid*, a story about a young woman who longed to become human and leave her ocean home for the splendor of land. There is a wealth of critical writing on Disney's approach to the more-than-human world in their storytelling,¹¹⁷ which portrays humans as the ideal form to exist in yet simultaneously portrays a rich cast of more-than-human characters.

Some Indigenous peoples are also steeped in scriptural teachings in Christian, Buddhist, or Jewish families. They might attend places of worship and discuss the sacred texts of these religions and ponder their applications and principles. Perhaps they live outside of their home territories in urban settings or rural settings where they are recent arrivals. They play outside in different landscapes and learn from more-than-human relations their ancestors never met. They may attend local public schools, and eventually mainstream universities where they learn about physics, chemistry, biology, and calculus. All these teachings can influence Indigenous thought today.

I argue that this weaving of knowledges is consistent with a long-standing tradition of Indigenous intersocietal engagement (i.e. trade,¹¹⁸ inter-

113 See, for example, Basil Johnston, *Ojibway Tales* (Winnipeg: Bison Books, 1993); Verna Patronella Johnston, *I am Nokomis, Too* (General Publishing Company, 1977).

114 Benton-Banai, *supra* note 7.

115 Heidi Bohaker, *Doodem and Council Fire: Anishinaabe Governance Through Alliance* (Toronto: University of Toronto Press, 2020).

116 Isaac Murdoch, *The Trail of Nenaboozhoo and Other Creation Stories* (Neyaashiinigiimiing: Kegeedonce Press, 2020).

117 David Whitley, *The Idea of Nature in Disney Animation* (Burlington: Ashgate Publishing, 2008).

118 See, for example, John Borrows & Risa Schwartz, eds, *Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade and Investment Agreements* (Cambridge: Cambridge University Press, 2020).

marriage,¹¹⁹ governance practices such as treaty-making, etc.).¹²⁰ Indigenous peoples have long interacted with, influenced, and been influenced by people outside of their immediate communities. In some lights the worldviews presented through different institutions, resources, and communities' conflict with one another. Yet, in other lights they harmonize in interesting and expansive ways. They all have limits, as well as insight. Many of us are part of mixed communities, tasked with making meaning from the different stories presented to us.¹²¹

In summary, Seed Two of this article has considered how plant bias has some roots in psychology, and deep roots in education and the stories we learn. I made the case that there is no one Indigenous worldview, nor is there a singular Anishinaabe worldview, and therefore how plants are considered presently in Anishinaabe decision-making might draw from internal as well as external sources. The individual people tasked with making sense of these sources will also influence the decisions made. I now conclude this article with a reflection that follows a prompt I received that intuition is one important way we can learn law from plants.

IV. Seed Three: Articling with Stinging Nettle

Law is a discipline with a strong emphasis on apprenticeship, in its modern form through the articling process. While articling, law school graduates work under the close supervision of an experienced lawyer for about one year. Emerging scholarship in the social sciences looks at a practice called "apprenticing to plants," that is, learning from the plants themselves as animate teachers. For example, environmental geographer Dr. Hannah Pitt in an article titled "An Apprenticeship in Plant Thinking" defines apprenticeship as follows: "Learning happens through engaging in concrete praxis in the world, an education less top-down than typically associated with universities. A novice action researcher is guided by a mentor who facilitates engagement with practical problems then acts as a critical listener rather than an expert instructor."¹²² Pitt

119 For one discussion of how a mixed marriage under Cree law was treated by the Quebec Superior Court in the 1800s, see *Connolly v Woolrich and Johnson*, (1867) 1 CNLC 70 (Que Sup Ct); Mark Walters, "The Judicial Recognition of Indigenous Legal Traditions: *Connolly v Woolrich* at 150" (2017) 22:3 Rev Const Stud 347.

120 Leanne Betasamosake Simpson, "Looking After Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Relationships" (2008) 23:2 Wicazo Sa Rev 29.

121 John Borrows, "Meaning Making: Students and Indigenous Legal Education" (27 January 2022), online (video): <<https://lawjournal.mcgill.ca/fr/article/meaning-making-students-indigenous-legal-education-john-borrows/>>.

122 Pitt, *supra* note 10 at 94.

suggests that if apprenticeship is to be a basis for more-than-human participatory research, then the first step is to welcome more-than-human beings into communities of practice and learning to listen to the non-verbal ways they communicate. The following story is a small example of observing, listening to, and reasoning by way of analogy in relation to stinging nettles — an abundant, nutritious, and delicious plant that grows locally on Vancouver Island where I lived at the time of this “plant apprenticeship.”¹²³ I entered this apprenticeship with the question, *how and what might stinging nettle teach me about law?*

Apprenticing oneself to plants during the late winter and early spring is an interesting task. Most days, it seems my closest contact with plants is handling dried wood to bring inside for the woodstove. On Kwakwaka'wakw and Coast Salish territories (mid-eastern Vancouver Island), where I lived at the time of this apprenticeship, the Earth is immersed in rain, clouds, and cool temperatures. Then, in early March after a period of Plant Nation-wide rest, the nettles begin to rise from the mulched earth. At first only a few coin-sized leaves poke through, and within a few weeks the stalks are noticeably thicker, even a foot high (in summer they can reach over four feet). Nettles are a sure sign the winter cold is loosening its grip, giving way to the flow of spring. They have bright green (and occasionally purple-tinged) leaves with tidy serrated edges. The nettle stalks and leaves are covered in tiny tubular hairs that have a little bulb at the tip. When you brush against the hairs, the little bulbs break off and the hairs act like tiny injection needles, filled with irritating compounds, like histamines and various acids.¹²⁴ As the name suggests, these hairs will sting your skin if you touch them. On various occasions I've spent a few days with red spots around my wrists and forearms after harvesting nettles without proper care, like wearing long gloves. Nettles are delicious when cooked, however. They are rich in iron, medicinal, and used for various materials such as making cordage. After months of only eating fresh plants if flown in from faraway places and stocked in local grocery stores, it's exciting to go out and fill a basket with this spring tonic, and without the interaction of a cash register.

The first time I went out to learn from stinging nettles during this apprenticeship period, I took a short ferry ride with some friends to a smaller island just off the coast. It was herring season, and the ocean was a riot of

123 Stinging Nettles are widespread across North America (and globally). There are nettle species in Anishinaabe territory as well. See Melissa Petruzzello, “Stinging Nettle” (2 November 2023), online: *Encyclopedia Britannica Online* <<https://www.britannica.com/plant/stinging-nettle>> [perma.cc/A9TQ-3T9L].

124 For a fascinating paper on plants with stinging properties, see Hans-Jurgen Ensikat et al., “Distribution, Ecology, Chemistry and Toxicology of Plant Stinging Hairs” (2021) 13:2 *Toxins* (Basel) 141.

activity. Sea lions, seals, and gulls called out as they feasted on herring eggs in the milky blue waters. We made our way from the ocean into the forest, where a much quieter but equally stunning event was taking place. The first buds of spring adorned overhead branches, and new growth rose from the forest floor, the stinging nettles among them. The four of us spread out. Pretty soon we couldn't see each other. Well gloved, we quietly snipped the top few leaves from the stinging nettles, careful not to take too much from any one patch. Occasionally we'd find each other and remark on the abundance and generosity of the Land.

We went back to this spot two more times over the month. Each time, there were even more nettles, which were now growing up. Birds sang out in greetings, the sun warmed us, the skunk cabbage swayed in the rippling streams, and mosses with their prominent sporophytes cloaked the old big leaf maples. My friends and I grew closer together as we spent regular time together in the woods and visited on our travels. Our conversations were wide reaching, philosophical, joyful, nuanced, vulnerable, and humorous. We were living out a type of ceremony. Wendall Nadjiwon, a relative and fisherman from my home community of Neyaashiinigmiing, teaches that sometimes we have an abundant harvest, and other times we do not harvest much despite our best efforts, but we are always successful when we visit with each other. Visiting was part of the nettles' medicine and is one important Indigenous (legal) research method.¹²⁵ As Dr. Danielle Lussier writes:

In parallel to the thoughtful and intentional mobilization of this practice of nourishing kinship and supporting community at grassroots levels, Visiting is emerging as a valuable tool for centring Indigenous Ways of Knowing and Being in spheres of academic research. This emerging scholarship making space for Visiting as an Indigenous Research Method builds on community understandings of respectfully learning from one another, and being accountable to our relationships.¹²⁶

125 Danielle Lussier, *Law with Heart and Beadwork: Decolonizing Legal Education, Developing Indigenous Legal Pedagogy, and Healing Community* (PhD Dissertation, University of Ottawa Faculty of Law, 2021) [unpublished]; Abigail Green, *Walking in a Good Way: Espousing Indigenous Method(ologie)s and Pedagogies of Visiting and Beadwork in Legal Research* (LLM Thesis, Queen's University Faculty of Law, 2024) [unpublished]; Anna Corrigan Flaminio, Janice Cindy Gaudet & Leah Marie Dorion, "Metis Women Gathering: Visiting Together and Voicing Wellness for Ourselves" (2020) 16:1 *AlterNative: An International Journal of Indigenous Peoples* 55.

126 Danielle Lussier and James Denford, "Kiyokéwin (Visiting), Leadership and Consenting to Learn in Public: Indigenizing Social Sciences and Humanities at the Royal Military College of Canada" (2024) 65:3 *Critical Studies in Education* 266. Lussier & Denford cite the following scholars: Janice Cindy Gaudet, "Keeoukaywin: The Visiting Way — Fostering an Indigenous Research Methodology" (2019) 7:2 *Aboriginal Policy Studies*; Tuck et al, "Visiting as an Indigenous Feminist Practice" (2022) 35:2 *Gender and Education* 1.

This experience with the nettles reinforced the teaching that visiting through regular, intentional time spent with the Land can be a powerful tool in taking care of our relationships, both human and more-than-human. In her book *Law's Relations*, Dr. Jenny Nedelsky writes that “[r]elationships are central to people’s lives — to who we are, to the capacities we are able to develop, to what we value, what we suffer and what we are able to enjoy,” and that this “relational dimension of human experience [is] central to the concepts and institutions by which we organize our collective lives.”¹²⁷ Since law seeks in part to regulate a wide variety of relationships, and time with the Land can facilitate healthy relational connections and stimulate ideas, it would make sense that at times we intentionally engage in legal processes, responses, dispute-resolution or decision-making (etc.) that centers Land.¹²⁸

In a report outlining elements of Haítzaqv Ğvił’ás/Heiltsuk law, the experience of “sentencing” a young Heiltsuk citizen to immersive time on the Land for the purposes of reintegration and healing is shared. The report says:

Dáduqvłá Committee member Yímás Frank Brown, was the first Heiltsuk to be isolated in living memory. Frank was before the court as a young teenager, and after hearing from Frank’s uncle, Robert Hall, Judge Barnett agreed that he should be sentenced in accordance with Ğvił’ás and for the first time, Ğvił’ás informed a decision of the Canadian justice system. Judge Barnett ordered that Frank, only 14 years old at the time, be banished and sent out of Bella Bella to an isolated camp where he spent eight months alone. Through the healing power of nature and by re-connecting with the Creator and his spirituality, Frank was able to come to terms with his anti-social behaviour and reconcile with his community. It required him to do the soul-searching and hard work to want to make a change for the better — to actively make that choice to do better. It was Ğvił’ás rather than the Criminal Code, that laid the way for the personal transformative experience that changed the direction of Frank’s life.¹²⁹

Frank Brown’s story is a positive example of a young person who was afforded the opportunity by his community to learn with and find healing from the Land after a period of causing harm. There are many generations of people across cultures (including within Anishinaabe communities) who found and continue to find great meaning in annual hunting, fishing, berry-picking, bark

127 Jennifer Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (Oxford: Oxford University Press, 2012).

128 Leanne Betasamosake Simpson, “Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation” (2014) 3:2 *Decolonization: Indigeneity, Education & Society* 1.

129 Heiltsuk Tribal Council, “Dáduqvłá qñtxv Ğvił’ásax: To look at our traditional laws, Decision of the Heiltsuk (Haítzaqv) Dáduqvłá Committee Regarding the October 13, 2016, Nathan E. Stewart Spill” at 36, online (pdf): <https://heiltsuknation.ca/wp-content/uploads/2018/10/Heiltsuk_Adjudication_Report.pdf> [perma.cc/V5DB-ZFL3].

stripping, maple sugaring, or other similar land-based activities. These activities often serve to strengthen people's relationships with one another and serve the practical purpose of providing necessary food or materials, all while gaining insight into how their ecological relations are faring. I hope we can increasingly see examples of law that draw on the healing and relational powers of the Land in a variety of ways.¹³⁰ As the stinging nettles remind us, we can also get stung (or worse) while on the Land, and we can accordingly benefit from teachers who show us how to engage appropriately with the Earth, and to act with humility and care.

At the end of nettle season, the plants, and the associated experiences of gathering them, came home with me for processing. Our freezer was full of Ziploc bags of frozen nettle cubes made from blanched leaves to incorporate into meals. I was physically tired from processing the abundance, and the dehydrator hummed for weeks on the kitchen table. I filled a two-litre mason jar with dried nettle tea to gift during visits, and another for my family to drink throughout the year. One evening I brought a bag of fresh nettles over to our neighbour's house after I put my children to bed. We exchanged stories about food, school, and some challenges they were facing. I came home with a different bag, full of sourdough cookies and Jerusalem artichokes from their garden. As I sipped a cup of nettle tea later that evening with a cookie in the other hand, I thought, *to let go, is also to receive*.

Gifting is an important element of the Visiting way.¹³¹ I wondered how law might be attentive to the unique ways gifting encodes reciprocity — not mathematically-sound reciprocity that involves a predictable exchange of units (i.e. you engage in X violation, you get Y consequence), but reciprocity that surprises us in how an exchange occurs. In many of the Anishinaabe stories I am familiar with, there are “natural” or “spiritual” consequences for people's actions.¹³² In other words, what you put out into the world, comes back to you in some other form. The law students I teach often comment on these “legal consequences” in the Anishinaabe narratives as “karmic” in nature, guided by a non-human power in the universe that deals a form of consequence for human

130 Some scholarship focuses on framing law as a healing profession to further emphasize its capacity for positive impact in the world. See, for example, Susan Swaim Daicoff, *Comprehensive Law Practice: Law as a Healing Profession* (Durham: Carolina Academic Press, 2011).

131 It is beyond the scope of this paper to draw out the importance of gifting within Indigenous legal orders and political economies. For some resources, see Shalene Wuttunee Jobin, *Upholding Indigenous Economic Relationships: Nehiyawak Narratives* (Vancouver: University of British Columbia Press, 2023); Michael C Blumm, *Sacrificing the Salmon: A Legal and Policy History of the Decline of Columbia Basin Salmon* (Den Bosch, The Netherlands: Bookworld Publications, 2002) at 65–67.

132 Askew, “A Part of the Anishinaabe Legal Traditions Report”, *supra* note 64 at 27, 31–32.

actions. I would like to return to the story “The Gift of the Stars” recorded by Basil Johnston shared earlier in this article to correlate with this idea of “natural consequences,” reciprocity and gifting, that I experienced with the stinging nettles.¹³³

By way of reminder, the story is about the young boy who longed for a star gift, but his grandmother told him he couldn’t have a baby (star) because that was women’s gift. He listened to his grandmother and continued to observe the stars closely over a long period of time. This sustained attention ultimately led him to a different star gift. One evening he witnessed a shooting star fall into a pond and turn into the water lily, which he then learned (through listening to the plant’s instructions) is an important medicine that allowed him to support people’s healing. There was no person who oversaw this gift exchange: it was between him and the more-than-human world. In this way, apprenticing to plants can invite us to consider and even live (at least momentarily) in alternate systems of decision-making, economies, ethics, and more.

V. Conclusion

This article planted three seeds which addressed the questions, *how does the canon of Anishinaabe plant knowledge inform Anishinaabe law?* And *how do plants inform Canadian law by contrast?* Seed One raised ideas about how plants inform Anishinaabe law and Canadian law through various ecological and legal traditions. The Anishinaabe traditions I considered included the practice of *akinomaage*, contemporary constitution writing, legal declarations, methods of drawing out law from Anishinaabe plant narratives, and learning through direct experience from Anishinaabe-trained ecologists. The Canadian traditions I considered included legislation that interacts with plants, scientific input into contemporary judicial and legislative processes, and expert evidence in courts including from ethnobotanists.

Seed Two bred questions about how bias operates in relation to plants within these two legal orders, and why we should be attentive to mitigating bias. I considered how plant bias has some roots in psychology, and deep roots in education and the types of stories we learn that form the “soil” of our worldviews.¹³⁴ I made the case that there is no one Anishinaabe worldview, and that how plants are considered presently in Anishinaabe decision-making might

133 Johnston, *supra* note 50.

134 Aaron Mills, “The Lifeworlds of Law: On Revitalizing Indigenous Legal Orders Today” (2016) 61:4 McGill LJ 847.

therefore draw from a dynamic mix of internal as well as external sources and the various lived experiences of the decision-makers.

Finally, Seed Three was a generative foray into an apprenticeship — like an articling semester — with stinging nettle, drawing from the literature exploring what it means to be in relationship with and learn from plants themselves. I focused my apprenticeship on the question, *how and what might stinging nettle teach me about law?* Through the apprenticeship I considered how visiting through land-based practices can strengthen relationality and reciprocity in legal decision-making and bring healing to those in need. My hope is for these three seeds to continue to grow and change form through future learnings. Miigwech.

