

The Fundamental Laws: Codification for decolonization?

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Abstract

Indigenous knowledge has sustained Indigenous peoples for centuries. Despite the traumatizing and coercive impacts of European, and later American colonization, Indigenous peoples have been able to maintain many aspects of their cultural knowledge and ways of life. In 2002, the Navajo Nation initiated a process through which they codified ethical standards their ancestors lived by since their emergence to Diné Bikéyah (Diné land). These ethical standards are known as the Fundamental Laws of the Diné. Since its codification process, Diné people have interpreted these laws and principles in various ways reflecting the variety of contemporary tribal individuals, groups, and institutions and their interests. In this article, I discuss how the Fundamental Laws are understood and applied by the Navajo Nation Council and tribal grassroots cultural and environmental organizations. I pay particular attention to how ancestral knowledge coded in the Fundamental Laws is interpreted by the government and the people and why the codification of these laws has not helped the people to decolonize and sustain their way of life.

Keywords: *Indigenous governance; Diné; ancestral law; tribal governance; cultural knowledge*

Introduction

Colonization has disrupted and disheveled indigenous knowledge systems yet indigenous peoples maintain elements of their epistemology, cosmology, and way of life. Indigenous writers such as Greg Cajete, Vine Deloria, Jr., Linda Tuhiwai Smith, Manulani Aluli Meyer,

Daniel R. Wildcat, Taiaiake Alfred, Dale Turner, and others continue to engender indigenous knowledges in creative and forceful ways. For instance, in *Look to the Mountain*, Cajete describes how indigenous communities can use cultural knowledge to develop a comprehensive and indigenous-centric education plan. Deloria, Jr. promoted the use of cultural knowledge to sustain indigenous communities. Alfred implores indigenous communities to use their cultural knowledge to rebuild their governments and political systems. Smith supports the centering of indigenous knowledges when developing and implementing research protocols, methodologies, and projects in communities. Collectively, their thoughts and words represent a foundation of knowledge where indigenous peoples can seek guidance and support in their efforts to decolonize their communities.

Vine Deloria, Jr. (*We Talk You Listen*), Glenn T. Morris (“Vine Deloria, Jr. and the Development of a Decolonizing Critique of Indigenous Peoples in International Relations”), Taiaiake Alfred (*Peace Power Righteousness*), Jeff Corntassel (“Re-envisioning resurgence: Indigenous Pathways to decolonization and sustainable self-determination”), Simon Ortiz (*Woven Stone*), Waziyatawin (*For Indigenous Eyes Only: A Decolonization Handbook*), Robert Odawi Porter (*Sovereignty, Colonialism, and the Future of Indigenous Nations: A Reader*), Michael Yellow Bird (*For Indigenous Minds Only: A Decolonization Handbook*), James Riding In (*Native Historians Write Back: Decolonizing American Indian History*), and others advance decolonization and urge indigenous peoples to use cultural knowledge to actualize self-reliance, self-confidence, and freedom. In 1962, Edward H. Spicer in *Cycles of Conquest* theorized a peoplehood model. In his model, Spicer put forth the concepts of interconnection between community, language, and cultural practices. Cherokee anthropologist Robert K. Thomas expanded upon this in “The Tap-Roots of People.” Vine Deloria, Jr. and Clifford M. Lytle in *The Nations Within* and Tom Holm, J. Diane Pearson, and Ben Chavis in “Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies” built upon the concepts of peoplehood, sovereignty, community, language, cultural maintenance and revitalization, and decolonization.

In 2005, *For Indigenous Eyes Only: A Decolonization Handbook* edited by Waziyatawin Angela Wilson and Michael Yellow Bird made hands-on suggestions and activities for indigenous communities. The contributing authors used a grounded approach to decolonization; in which they focused on tangible organizing strategies and political education. They identified useful concepts, terms, and frameworks, while revisiting rudimentary definitions of colonization and decolonization. For example, they theorize colonization as both formal and informal methods of coercion and control (behaviors, ideologies, institutions, policies, and economies) that maintain the subjugation or exploitation of indigenous peoples, lands, and resources (Wilson & Yellow Bird, 2005, 2). They continue to define decolonization as the total social processes working toward the freedom to transform individual lives and the world. In order to make the transition from the former experience to the latter, the first step is to question the legitimacy of colonization and its appetite to pre-determine both local indigenous communities and the world

at large. Decolonization requires praxis, a reflection and action upon the world in order to transform it for the better.

In “Being Indigenous: Resurgences against Contemporary Colonialism”, Alfred and Corntassel emphasize the importance of an individual’s conscious intent to restore his or her indigeneity. They write:

It is time for each one of us to make the commitment to transcend colonialism as *people*, and for us to work together as *peoples* to become forces of Indigenous truth against the lie of colonialism. We do not need to wait for the colonizer to provide us with money or to validate our vision of a free future; we only need to start to use *our* Indigenous languages to frame our thoughts, the ethical framework of *our* philosophies to make decisions and to use *our* laws and institutions to govern ourselves (Alfred & Corntassel, 2005, 614).

They want individuals to make a commitment to transcend colonization as people, and for indigenous people to work together as peoples to become forces for truth and freedom. Decolonization is an evolving paradigm used by indigenous scholars, writers, students, and families to advance themselves as individuals and communities.

I approach decolonization from a similar perspective. I have written several articles on identity, decolonization, Navajo government, leadership, and cultural knowledge. This includes work on “Navajo Cultural Identity: What can the Navajo Nation bring to the Native American identity discussion table?,” “The Future of Navajo Nationalism,” “Reclaiming Indigenous Intellectual, Political, and Geographic Space: A Path for Navajo Nationhood,” “Naat’áanii: What does it mean for Navajo Leadership in the 21st Century?,” and “Indigenous Knowledge in Transition—The Fundamental Laws of the Diné in an Era of Change and Modernity.” These articles support decolonization as a pathway to transform Diné communities. Along with decolonization, I promote the usage of cultural knowledge as the foundation from which to take initiative. The Fundamental Laws of the Diné (FLD) comes from this cultural knowledge and the usage of it in the twenty-first century is warranted and needed. It is important to note that FLD is not reserved for only governmental usage. It is part of the everyday life of Diné people, and therefore, meant to be widely accessible and used.

In the 1990s, a couple of significant events impacted the Navajo Nation: the Hantavirus outbreak in 1993 and the Diyin Dine’é (Holy People) visit in 1996. Both events had Diné people talking about cultural integrity, responsibility, and ways of life. In early May 1996, two Diyin Dine’é visited Irene Yazzie and Sarah Begay at Rocky Ridge, Arizona. They left messages with Irene and Sarah explaining that people were neglecting their responsibilities regarding prayers, offerings, language usage, culture, nature, and k’é (relations with other humans and non-human entities). Thousands made pilgrimages to visit the site to do prayers and make offerings. The Navajo Nation Council had discussions on why these events occurred. In response, they started a series of sessions with medicine people to determine what the council could do to encourage the

re-education of cultural knowledge and responsibilities. These sessions resulted in the codification of FLD in late 2002 into Title One of the Navajo Nation Code.

The Fundamental Laws of the Diné represent original and contemporary Diné thought. These laws are meant to enhance Diné leadership, sovereignty, and governance. The Navajo Nation Council and the Navajo court system use FLD to help them govern and to analyze legal cases. The Navajo Nation court system has been successful in helping families and individuals rectify issues ranging from domestic violence to robbery. We also see Diné citizens and grassroots organizations utilizing FLD for specific claims.

Many questions abound on the meaning and usage of the Fundamental Laws. At points creating tensions between their interpretation and use by the Navajo Nation Council and local advocacy groups. Several Navajo environmental grassroots groups such as Eastern Navajo Diné Against Uranium Mining (ENDAUM), Diné CARE (Diné Citizens Against Ruining our Environment), Dooda Desert Rock, and Black Mesa Water Coalition have evoked the natural law provision of the FLD to help with their causes. ENDAUM was successful in using FLD to justify prohibition on uranium mining and milling on the Navajo Nation. President Joe Shirley, Jr. signed into law the Diné Natural Resources Protection Act of 2005 banning future uranium mining and milling on Diné Bikéyah (Diné land). This was a collaborative effort by activists, local government officials, and US state officials.

Diné CARE and Dooda Desert Rock used FLD to protest the Desert Rock Energy Project and to plan out an economic and energy alternative to the proposed coal-fired power plant. The Navajo Nation and their corporate partner, Sithe Global, proposed the Desert Rock Energy Project, a 1,500 megawatt coal-fired power plant southwest of Farmington, New Mexico, on the reservation. Former Navajo President Joe Shirley stated Diné CARE and Dooda Desert Rock were incorrectly utilizing the Fundamental Laws (Powell & Curley, 2008). The U.S. Environmental Protection Agency revoked Desert Rock's permit in October 2009. The Navajo Nation and Sithe Global must start the review process again.

In the summer of 2009 Navajo Nation Council session, Council Delegate Raymond Joe, who represented the Tachee, Blue Gap, and Whippoorwill chapters introduced legislation (number 0368-09) to repeal FLD. It was tabled until the fall session. The legislation was not discussed at the fall session because Joe removed it from the agenda. It re-appeared in January 2010 at the winter session. The new legislation was amended to restrict the Navajo court's usage of FLD to peacemaking processes only, and further stipulated that council statutes could only be used in legal analysis. It passed 56-17. President Shirley vetoed the legislation but the council overrode Shirley's veto by a vote of 69-11. As a result, the Navajo Nation court system is switching all its functions to the peacemaking process.

Joe's rationale for the legislation was Diné people were misusing, misinterpreting, and abusing FLD (Navajo Nation Council, 2009). Apparently, Diné citizens evoked FLD to check the Navajo Nation Council. Joe believed the council did not approve FLD for citizens to hold the council accountable.

While FLD has always been a pathway for Diné people to live, its codification is problematic. The Navajo Nation Council has limited the court's usage of FLD, and apparently, do not want Diné citizens to use it to check the council's decision making authority. Some Diné people feel the council does not follow FLD or respect its instructional value, to the point where the reason for implementing it in the first place has been forgotten.

Fundamental laws

The Fundamental Laws are written into the Navajo Nation Code. The Navajo Nation Code is a document of governmental powers, laws, statutes, resolutions, regulations, and council procedures. However, the Navajo Nation public has never approved the Code or a broader constitution to place it within. The Code was established in 1962. FLD is rooted in Diné principles and cultural knowledge and represents a distinct Diné paradigm.

In chapter one of the Fundamental Laws, the council affirms the foundation of Diné identity. In English it reads:

We, the Diné, the people of the Great Covenant, are the image of our ancestors and we are created in connection with all creation.

The Holy People ordained, through songs and prayers, that Earth and universe embody thinking, Water and the sacred mountains embody planning, Air and variegated vegetation embody life, Fire, light, and offering sites of variegated sacred stones embody wisdom. These are the fundamental tenets established. Thinking is the foundation of planning. Life is the foundation of wisdom. Upon our creation, these were instituted within us and we embody them. Accordingly, we are identified by: Our Diné name, our clan, our language, our life way, our shadow, our footprints. Therefore, we were called the Holy Earth-Surface-People. From here growth began and the journey proceeds. Different thinking, planning, life ways, languages, beliefs, and laws appear among us, but the fundamental laws placed by the Holy People remain unchanged. Hence, as we were created and with living soul, we remain Diné forever (FLD, 2002).

The council ratified the laws to acknowledge the duty of the leadership to preserve and protect cultural knowledge. They believed that by incorporating the Fundamental Laws into the code it would generate interest in education around Diné government, culture, and contribute to the continuance of a Diné way of life. At the time, the council did not believe the Fundamental Laws contravened the Navajo Nation Code itself. They believed the adoption of FLD did not sanction government religion nor prohibit the free exercise of religion. They also believed it was their responsibility to teach FLD's meaning and to openly observe FLD in public functions.

Chapter two acknowledges FLD:

The Diné bi beenahaz'áanii embodies Diyin bits22d55 beehaz'áanii (traditional law), Diyin Dine'é bits22d55 beehaz'áanii (customary law), Nahasdzáán dóó Yádi[hi] bits22d55 beehaz'áanii (natural law), and Diyin Nohookáá Diné bi beehaz'áanii (common law). These laws provide sanctuary for the Diné life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world. These laws provide the foundation of Diné bi nahat'á (providing leadership through developing and administering policies and plans utilizing these laws as guiding principles) and Diné sovereignty. In turn, Diné bi nahat'á is the foundation of the Diné bi naat'á (government). Hence, the respect for, honor, belief and trust in the Diné bi beenahaz'áanii preserves, protects and enhances the following inherent rights, beliefs, practices, and freedoms (FLD, 2002).

Some people might interpret FLD to be a political and legal document similar to the U.S. Bill of Rights. The council thought these laws would help teach people about Diné cultural knowledge. Instead, many disagree with this act, because FLD is now laden with western concepts of rights, freedoms, and self that do not reflect original Diné thought and experiences. Alfred in *Peace Power Righteousness* argues how using nation-state approaches and policies limits and distorts the true goal of decolonization and liberation. He writes:

Even those who advocate sovereignty as a goal seek only a limited form of autonomy, not independence; the goal relates only to powers of self-government within a framework of constitutional law and authorities delegated by the state... 'Sovereignty' implies a set of values and objectives in direct opposition to those found in traditional indigenous philosophies. Non-indigenous politicians recognize the inherent weakness of assertions of a sovereign right for peoples who have neither the cultural framework nor the institutional capacity to sustain it (Alfred, 1999, p. 57).

Alfred, Deloria, and others implore indigenous peoples to use their own philosophies and cultural knowledge to decolonize and liberate. By the Navajo Nation codifying the Fundamental Laws and establishing it within the parameters of western law, it has limited FLD's explanation and understanding. The following is a list of the rights and freedoms of each Diné person as enshrined in FLD:

- A. The individual rights and freedoms of each Diné (from the beautiful child who will be born tonight to the dear elder who will pass on tonight from old age) as they are declared in these laws; and
- B. The collective rights and freedoms of the Diyin Nihookáá Diné as a distinct people as they are declared in these laws; and
- C. The fundamental values and principles of Diné Life Way as declared in these laws; and
- D. Self-governance; and

- E. A government structure consisting of Hózh==jí Nahat'á (Executive Branch), Naat'áji Nahat'á (Legislative Branch), Hashkééji Nahat'á (Judicial Branch), and the Naayéé'jí Nahat'á (National Security Branch); and
- F. That the practice of Diné bi nahat'á through the values and life way embodied in the Diné bi beenahaz'áanii provides the foundation of all laws proclaimed by the Navajo Nation government and the faithful adherence to Diné Bi Nahat'á will ensure the survival of the Navajo Nation; and
- G. That Diné bi beenahaz'áanii provides for the future development and growth of a thriving Navajo Nation regardless of the many different thinking, planning, life ways, languages, beliefs, and laws that may appear within the Nation; and
- H. The right and freedom of the Diné to be educated as to Diné Bi Beenahaz'áanii; and
- I. That Diné Bi Beenahaz'áanii provides for the establishment of governmental relationships and agreements with other nations; that the Diné shall respect and honor such relationships and agreements and that the Diné can expect reciprocal respect and honor from such other nations (FLD, 2002).

While some may argue the Fundamental Laws were never meant to be codified and then interpreted through a foreign lens, the reality is this is what is currently happening; and it is happening because such an interpretation of the laws still meet government interests. The abuse of the Fundamental Laws raises the question of whether FLD can in fact sustain and revitalize cultural knowledge and ways of living; especially when implemented by the nation-state and its local governing bodies. Alfred and others take the position that indigenous knowledge practices must be distinct from cultural accommodations made by the nation-state. He writes:

The political and social institutions that govern us have been shaped and organized to serve white power and they conform to the interests of the states founded on that objective. These state and Settler-serving institutions are useless to the cause of our survival, and if we are to free ourselves from the grip of colonialism, we must reconfigure our politics and replace all of the strategies, institutions, and leaders in place today (Alfred, 2005, p. 20).

The advocacy of cultural knowledge to sustain a way of life and to decolonize is commended, but the question of interpreting and synthesizing this from a western standpoint brings up many concerns and questions.

Chapter three of the Fundamental Laws outlines Diyin Bits'22d55 Beehaz'áanii (Traditional Law). The chapter states that it is the right and freedom of Diné people to choose leaders of their choice and for the leaders to carry out their duties and responsibilities in a moral and legal manner. It lists leadership duties in the executive, legislative, judicial, and security branches. It calls for the people to respect and honor the elders and medicine people. Elders and medicine people can be called upon to cleanse, protect, pray, and bless their leaders and the operation of the government. It also calls for the government and the people to respect the

spiritual beliefs and practices of any person and to allow input and contribution of any religion. Finally, it allows the people and government to incorporate practices, principles, and values of other cultures foreign to the principles and values of Diné bi beenahaz'áanii in the best interest and those necessary to provide physical and mental well-being for each person.

The chapter further stipulates that the leaders of the executive, legislative, judicial, and security branches shall work to ensure public trust and confidence and adhere to the values and principles of Diné bi beenahaz'áanii. Yet recently, Diné people have been losing their trust and confidence in the executive and legislative branches of their government. In October 2009, the Navajo Nation Council put the President on administrative leave for alleged ethics violations. The Navajo Nation Attorney General called for a special prosecutor to investigate the charges against the President. Prior to the President being put on administrative leave, several stories printed in *The Navajo Times* focused on the abuse of several individuals acquiring thousands of dollars from several Navajo Nation Council delegates. The Council, along with the President, had a discretionary fund account. According to the paper, each delegate's share of the discretionary fund amounted to \$92, 821. The President's share was \$360,000 (Shebala, 2009, A-1). Because of these stories, the Navajo Nation's White Collar crime unit and the council's Ethics & Rules Office launched a joint investigation of the council's discretionary fund. Initially, the Ethics & Rules committee subpoenaed all discretionary fund records of all eighty-eight council delegates. Four days later, the Ethics & Rules committee rescinded the subpoena at the request of the Chief Legislative counsel. No reason was given to the Ethics & Rules director as to why the subpoena was taken back (Shebala, 2009, A-1). The total amount in the discretionary fund for a four-year period was over \$35 million dollars (Shebala, 2009, A-4). In October 2010, special prosecutor Alan Balaran filed criminal charges involving conspiracy, theft, fraud, and forgery against seventy-seven of the eighty-eight council delegates and Vice President Ben Shelly for their alleged misuse of funds totaling about \$1.9 million (Shebala & Donovan, 2012).

In July 2011, Balaran dropped the criminal charges and filed civil charges against an expanded list of one hundred forty-two government officials including former President Joe Shirley, Jr., former attorney generals Harrison Tsosie and Louis Denetsosie, controller Mark Grant, eighty-seven members of the council, and fifty unnamed individuals (Shebala & Donovan, 2012). President Shelly and Vice President Rex Lee Jim settled their complaints by agreeing to reimburse the Diné government. By July 2012, the situation had not been cleared for all those who were charged (Shebala & Donovan, 2012). Leadership ethics and responsibilities are clearly defined in the traditional law chapter yet questionable behavior is evident. A gap becomes exposed. It is a gap between indigenous knowledge being paid lip service or simply codified by government, and the actual practice and belief in these knowledge.

In the third chapter it states Diné people and government can blend foreign practices, principles, and values into Diné thought to help the people with their physical and mental well-being. While the mixture of foreign values and practices with indigenous ones may be perceived as a virtuous way to live, such synthesis can be viewed as counter productive, unhealthy, and

continues a traumatic and painful history between Diné people and the state – which can be understood as both an institution and a culture. Diné people suffered a traumatic experience at Fort Sumner from 1864 to 1868. Over a thousand people died either walking to or returning from the concentration camp or at the camp itself. Another horrifying experience occurred in the 1930s when the U.S. government destroyed or took thousands of goats, sheep, cattle, and horses from many families. This experience resulted in many families no longer being self-sufficient. It forced many Diné men to find work off the reservation and many women lost wealth and happiness. These traumatic historical periods continue to impact the Navajo Nation today. Although it can be healing to forgive one's oppressor, it is difficult to do so when those who have been oppressed know their history of trauma and devastation to be always present and ongoing.

Diné and English are the main languages spoken at many government sessions, meetings, and gatherings on the reservation. The Fundamental Laws were written to encourage the speaking of the Diné language. Many Diné children do not speak their native language and do not practice the ceremonies, nonetheless the language still lives and the ceremonies are still being conducted although many Diné people are concerned about its vitality. The incorporation of foreign thought into Diné perspectives is not new, nor, different for the people. Diné people have always allowed foreign thought to be incorporated into Diné thought and ways of living. The people have always shaped and molded these foreign perspectives into a distinct Diné perspective. This is not happening in the twenty-first century because many Diné children are learning to speak English first and many of those individuals do not know the history and/or cultural traditions of their ancestors, nor do they see the benefits of speaking Diné. Some are learning the language, history and culture but an overall language shift is still present. Many community meetings are still conducted in Diné although the elder and/or the middle generations are mostly in attendance. Fewer young Diné people attend local meetings. The possibility of local meetings in the future being conducted in English is high. The spiritual and intrinsic value of the Fundamental Laws is lessened when English is the chosen language to communicate it.

The fourth chapter states the principles and teachings of Diyin Dine'é Bits22d55 Beehaz'áanii (Customary law). Diné customary law declares that:

- A. It is the right and freedom of the people that there always be holistic education of the values and principles underlying the purpose of living in balance with all creation, walking in beauty and making a living; and
- B. It is the right and freedom of the people that the sacred system of k'é, based on the four clans of Kiiyaa'áanii, Todích'iínii, Honagháahnii and Hasht[']ishnii and all the descendent clans be taught and preserved; and
- C. It is the right and freedom of the people that the sacred Diné language (nihiineí) be taught and preserved; and
- D. It is the right and freedom of the people that the sacred bonding in marriage and the unity of each family be protected; and

- E. It is the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse.
- F. It is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation (FLD, 2002).

This chapter centers on the teaching of language, culture, traditions, and history. While this is an important and worthy goal, it is difficult to implement when most of the schools on the reservation are controlled by non-Navajo governmental entities and many families are not teaching the language, culture, and history to their children. In the past, the Navajo Nation Council encouraged schools on the reservation to teach the language, culture, and history without much enforcement. All the schools on the reservation are state controlled (public) either by the states of Arizona, New Mexico, or Utah, federally controlled (Bureau of Indian Education), parochial controlled (churches), or are grant schools where the funding comes from the federal government and the schools adhere to state and federal standards. Several schools have implemented Diné language, government, and history courses. Nonetheless, when they do offer these courses, they are electives and not part of the core standards.

Navajo Preparatory School in Farmington, New Mexico, a private school, does offer Diné language and history courses as part of their core curriculum along with the mandatory courses of English, Math, Social Studies, and Science, however it is a small private school where twenty to thirty students graduate each year. By far, the majority of Diné students attend public schools on the reservation and many of those schools only offer Diné language and history as an elective.

The other difficulty of achieving what is stated in customary law is many families do not want their children to learn their language, culture, and history. Many of these families believe by learning the language, culture, and history they will be holding back their children from being successful in American life. While this attitude is not new, it is still very prevalent in many Diné people's thinking. While a growing number of Diné people encourage the teaching of the language to the younger generation, it has not resulted in a growing number of fluent speakers.

In section E of the fourth chapter, it states children and elders should be respected, honored, and protected. They are to be free from all abuse. In Diné communities, children, women, and elders are being physically, verbally, and emotionally abused (Amnesty International, 2007). It is a continuing and debilitating problem. While the Navajo government recognizes this and wants the people to have the right and freedom to be respected and protected, the problem has yet to be rectified.

Chapter five focuses on Diné natural law, *Nahasdzáán dóó Yadi[hi]* Bits'22d55 Beenahaz'aanii. In this chapter, air, light/fire, water, earth/pollen, the sacred mountains, and the attendant mountains must be respected, honored, and protected. All creation on earth and in the

universe has a right and freedom to exist and Diné people have a sacred obligation and responsibility to respect, preserve, and protect all.

In section E of chapter five, it states, “Mother Earth and Father Sky is part of us as the Diné and the Diné is part of Mother Earth and Father Sky; the Diné must treat this sacred bond with love and respect without exerting dominance for we do not own our mother or father (FLD, 2002).” In analyzing this section, Diné people are not to dominate over any part of the earth or sky in any matter whatsoever, including extracting natural resources from the earth. In contrast, section F states, “The rights and freedoms of the people to the use of the sacred elements of life as mentioned above and to the use of the land, natural resources, sacred sites and other living beings must be accomplished through the proper protocol of respect and offering and these practices must be protected and preserved for they are the foundation of our spiritual ceremonies and the Diné life way (FLD, 2002).”

Section F allows the government and the people to benefit from natural resource extraction through a proper protocol of respect and offering. While many if not all indigenous peoples have the same ethical approach when it comes to the usage of natural resources, in many cases including the Navajo Nation, non-indigenous peoples and corporations are the ones who are extracting natural resources without the proper protocol of respect and offering. The Navajo Nation along with other Native Nations have decided to work with corporations, state governments, local municipalities, and the federal government to receive royalties from companies who are extracting gas, oil, coal, timber, and uranium from their lands. While history shows Native Nations had no choice when these operations began, the Navajo Nation and other Native Nations do have a choice now and the Navajo Nation Council has decided to continue with natural resource extraction in their economic development plans.

In section G, it states Diné people have a duty and responsibility to protect and preserve the beauty of the natural world for future generations. The people and families who are working against uranium and coal mining and the opening of a new coal-fired power plant are trying hard to convince the President and the council to take this last section of natural law to heart. They want the Navajo Nation to live by these standards rather than concerning themselves with economic development projects that contravene the Fundamental Laws. It has been a challenge but there are positive signs the efforts are working.

In 2005, the Navajo Nation banned all uranium mining activities within the reservation boundaries and for nearly a decade the tribal government has been fighting to protect Dook'o'os[íid, San Francisco Peaks in Flagstaff, Arizona from the usage of treated waste water to make snow for the Snow Bowl ski facility. The tribal government is also interested in developing a wind turbine project outside of Flagstaff to generate power for communities and homes on the reservation (Wagner & Randazzo, 2008).

Chapter six of the code addresses Diyin Nohookáá Diné Bi Beenahaz'áanii (Common law). This chapter is the shortest. It is a reflection of life in the twenty-first century and of the constant interactions with other peoples. It states:

Diné Common Law declares and teaches that:

- A. The knowledge, wisdom, and practices of the people must be developed and exercised in harmony with the values and principles of the Diné Bi Beenahaz'áanii; and in turn, the written laws of the Navajo Nation must be developed and interpreted in harmony with Diné Common Law; and
- B. The values and principles of Diné Common Law must be recognized, respected, honored, and trusted as the motivational guidance for the people and their leaders in order to cope with the complexities of the changing world, the need to compete in business to make a living and the establishment and maintenance of decent standards of living; and
- C. The values and principles of Diné Common Law must be used to harness and utilize the unlimited interwoven Diné knowledge, with our absorbed knowledge from other peoples. This knowledge is our tool in exercising and exhibiting self-assurance and self-reliance and in enjoying the beauty of happiness and harmony (FLD, 2002).

All written laws in the Navajo Nation Code are presumed to follow Diné Common Law. In 2005, the Navajo Nation Council overrode the President's veto of the Diné Marriage Act. The Diné Marriage Act of 2005 voided and prohibited plural marriages, marriages between relatives, and marriages between persons of the same sex. The act's stated intent was to promote strong families and preserve and strengthen family values. However, the definition of strong families and family values was never explained in the legislation.

In the act under plural marriages, it reads, "All plural marriages contracted, whether or not in accordance with Diné custom, shall be void and prohibited (Diné Marriage Act of 2005)." This statement reveals the colonization of other beliefs, values, and worldviews distinct from the Fundamental Laws. While Diné Common Law allows for the absorption of other people's knowledge to help exercise and exhibit self-assurance and self-reliance, it does not reflect enjoying the beauty of happiness and harmony in relation to Diné thought. If the government denies a part of the culture and history of the people, does it mean all parts of Diné culture and history are forgotten? The Fundamental Laws do not reflect this nullification and the Diné Marriage Act of 2005 is not in compliance with FLD.

In 2004, the people voted for gaming. Prior to 2004, the electorate voted twice against the production of casinos and gaming. When Joe Shirley, Jr. was elected President of the Navajo Nation in 2002, he along with the council pushed for the building of casinos. In 2003, they announced gaming operations would commence soon and by 2004 a referendum on gaming expansion passed. President Shirley and the council did not retreat. It took a few years but the Navajo Nation opened its first casino, Fire Rock Casino east of Gallup, New Mexico, in November 2008. According to the Navajo Nation, it had a very successful first year (Donovan, 2009). The majority of the customers and employees are Diné. Three additional facilities opened in 2010 (Flowing Water Casino near Shiprock, New Mexico), 2012 (Northern Edge

Casino near Farmington, New Mexico), and 2013 (Twin Arrows Casino Resort near Flagstaff, Arizona).

In Diné Common Law, the need to compete in business for sustenance is acknowledged and encouraged. The casino operations as well as other enterprises are supposed to create self-reliant individuals and communities and in turn a self-sufficient Navajo Nation. This self-sufficient approach is also expected to produce self-assured peoples resulting in the creation of a well and harmonious Navajo Nation. While some enterprises appear to be working such as the Navajo Nation Gaming Enterprise, the Navajo Nation has not been able to reduce the poverty rate on the reservation. Poverty rates remain high and many people do not have jobs. The Navajo Nation like many other Native Nations in the U.S. follow a capitalist economic model. Corporate interests in these models shape what the national interests are in many cases. The Navajo Nation is trying to build its own enterprises but outside corporate institutions are a part of this economic model. It is similar to many other nation-state approaches regarding economic development and opportunity.

The last part of the Fundamental Laws is a diagram of an original Diné law structure. The structure has a distinct Diné perspective many people might misinterpret. If you view the diagram from a western perspective, the people are on top, leaders beneath the people, next the laws, and then the specifics of the laws: traditional, customary, natural, and common. This is not an incorrect interpretation from a western standpoint, but if you examine the diagram from a Diné framework, you will observe a distinct outlook on Diné governance. Traditional, customary, natural, and common laws are essential life elements and these elements help the people live in this world. The people are not above the laws but are guided by them. By diverging from these laws challenges and difficulties will ensue. The diagram is a metaphor for Diné people to refer to for clarity and meaning.

Conclusion

The Fundamental Laws are designed for the people to live by in this world, although colonization has altered many Diné people's perspectives of them. The current situation reveals that FLD are not taught to the children and western education has taken over as the dominant form of knowledge production. Some families think schools can teach the language, government, and history. Other families do not teach their children any cultural knowledge. They may believe western knowledge is best for their children to know. Diné, and in general indigenous, knowledge is in conflict with colonization. The tension between cultural knowledge and colonization exemplifies the need for intergenerational communication in all communities.

Diné elders can teach the younger generation the cultural knowledge. The younger generation can learn this knowledge to help them overcome their challenges. This type of intergenerational communication is key to revitalizing and sustaining Diné knowledge. While some language revitalization programs are in play on the Navajo Nation, the people will not

know their success for another generation or two. Furthermore, Diné cultural knowledge might not be taught at the same time.

Predominantly, families teach cultural knowledge as many schools might not have the interest or resources to do the same. Furthermore, schools on the reservation have to follow the same educational standards as other public schools in the country. The Fundamental Laws is not part of the core curriculum. The Navajo Nation implemented these laws to help with Diné continuance, yet it is the individual's responsibility to learn FLD. Hopefully, more and more people will learn and teach the Fundamental Laws. Indigenous knowledge and more specifically Diné knowledge is a critical factor in sustaining an indigenous and Diné way of life.

Because of the actions taken by the Navajo Nation Council to codify the Fundamental Laws, more Diné and non-Diné people know about them. The laws have become an important tool for the people; they are using these laws to hold the government accountable for their actions and to promote decolonization. These laws will continue to be interpreted in different ways for generations and the council might fully repeal them but these laws will not disappear. The laws' heart and spirit will not succumb to ongoing colonial processes that may seek to manipulate, distort or ignore them. While some people are not clear on how to use these laws, the laws do not change meaning. The Fundamental Laws are older than the United States government and the U.S. Constitution. Colonization has altered how Diné people think but it has not amended FLD. The Fundamental Laws remain a well, prosperous, and harmonious pathway for life. Diné people realize this and conceivably this realization will lead to a place where the Navajo Nation as a whole will live, govern, and follow as their ancestors did in the past; a past where freedom and liberation was the norm.

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