

# The Two Row Wampum: Decolonizing and Indigenizing Democratic Autonomy

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This paper aims to contribute to the decolonization and Indigenization of democratic theory. Regarding decolonization, I explain that democratic self-determination is typically associated with sovereign autonomy and can serve to justify policies and discourses of settler colonial control, erasure, and assimilation. Regarding Indigenization, I reconceptualize democratic self-determination from an Indigenous starting point. I discuss the Two Row Wampum of the Haudenosaunee Confederacy and offer an account of the political principles it embodies. I interpret it as advancing a relational conception of democratic autonomy, which makes it possible to embrace a plurality of political arrangements and political actors, to blur the distinction between internal authority and external sovereignty, and to de-emphasize the enforcement of decisions in favor of the maintenance of commitments to a political relationship.

**Keywords:** Democratic theory, democratic autonomy, relational autonomy, decolonization, Indigenization, Indigenous political thought.

Dale Turner argues that the survival of First Nations and Native Americans depends in part on Indigenous intellectuals, “guided by indigenous philosophies,” who can engage Western political and legal traditions “to assert and defend the integrity of indigenous rights and nationhood *and* protect indigenous ways of knowing within the existing legal and political practices of the dominant culture.”<sup>1</sup> Further, Turner criticizes contemporary political practices and theories concerned with the rights of Indigenous peoples for, among other considerations, failing to properly engage with the “legacy of colonialism” and excluding Indigenous peoples

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1. Dale A. Turner, *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto, ON: University of Toronto Press, 2006), 74.

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from the process of theorizing their own rights<sup>2</sup> and from participating “in legal and political discourses *on their own terms*.”<sup>3</sup>

Asserting more strongly the need for Indigenous peoples to enact their political difference and freedom on their own terms and independently from existing dominant legal and political practices, Glen Coulthard, following Frantz Fanon, argues that Indigenous peoples should not seek recognition from settler colonial institutions, but “‘turn away’ from the colonial state and society and instead find in their own decolonial praxis the source of their liberation.”<sup>4</sup> For Coulthard, the terms of recognition offered by the settler state are corrupting because “Indigenous society will tend to come to see the forms of structurally limited and constrained recognition conferred to them by their colonial ‘masters’ *as their own*: that is, the colonized will begin to *identify* with ‘white liberty and white justice’ . . . these values eventually ‘seep’ into the colonized and subtly structure and limit the possibility of their freedom.”<sup>5</sup>

Turner and Coulthard, despite their differences, offer clear examples of what Emma LaRocque calls resistance scholarship.<sup>6</sup> For LaRocque, an ethical impulse to defend and sustain Indigenous peoples guides Native Studies. This generates a scholarly practice that seeks, first, to deconstruct discourses that disqualify Indigenous peoples’ political difference and ways of being, doing, and knowing. This is a decolonizing objective. Second, this scholarly practice seeks to revitalize and protect this political difference and these ways of being, doing, and knowing by reconstructing and recentering discourses, theories, and imaginaries on their basis. This is an objective of Indigenization.

This paper takes to heart this ethical impulse and the need to articulate Indigenous political difference on Indigenous terms. It heeds Coulthard’s and Turner’s works, by (1) considering ways Western democratic theory can contribute to the colonial oppression of Indigenous peoples and structure and limit their political freedom, and (2) by exploring an articulation of democratic governance on Indigenous terms. Specifically, it presents the Two Row Wampum of the Haudenosaunee Confederacy as a fruitful Indigenous political philosophy to criticize the Western democratic focus on sovereign autonomy and reimagine democratic self-determination as

2. Ibid., 7.

3. Ibid., 74.

4. Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis, MN: University of Minnesota Press, 2014), 48.

5. Ibid., 39.

6. Emma LaRocque, “‘Resist No Longer’ Reflections on Resistance Writing and Teaching,” in *More Will Sing Their Way to Freedom: Indigenous Resistance and Resurgence*, ed. Elaine Coburn (Halifax, NS: Fernwood Publishing, 2015), 5–23.

relational. This ultimately takes Indigenization in a different direction since it presents Western democratic thought itself as standing to learn from Indigenous conceptions of relational autonomy. Indigenization should lead to transformations in Western democratic theory, with the hope of making it more inclusive of Indigenous political difference and ways of being, doing, and knowing and of grounding more just political relationships.

Regarding the decolonizing objective, Adam Dahl<sup>7</sup> has recently expounded the close relationship between settler colonialism and democracy in the US context. As he argues, the simultaneous dispossession of Indigenous peoples and the disavowal of their elimination have been the underlying necessary conditions for the development and theorization of democracy in the United States and they are imbricated in, and not separate from, democratic thought and practices. Dahl writes: “the ‘sovereign people’ . . . demanded territorial expansion as a necessary correlate of democratic equality and self-rule. American democracy emerged through a conceptualization of space and time in which the vitality of democratic society rested on the disavowal of colonial dispossession.”<sup>8</sup> I leave the question of historical development aside to focus on contemporary democratic thought. Whereas Dahl reveals the extent to which democracy in the USA was developed and theorized in a manner that necessitated and presupposed settler colonialism, I seek to illustrate how a central idea of democratic thought can, here and now, be used to justify and make sense of historical colonial policies of assimilation and exclusion and ongoing contemporary oppressive practices—thus completing a justificatory arc.

I am specifically concerned with democratic autonomy, which I claim, is part of what John Rawls calls the “public political culture” of Western liberal democratic societies. On this view, democratic institutions and “their accepted forms of interpretation, are seen as a fund of implicitly shared ideas and principles.”<sup>9</sup> I contend that Western democratic practices, across various institutional forms (e.g., republican and parliamentary regimes and federal and unitary states) are implicitly, and often explicitly, made sense of in light of democratic autonomy—as processes of self-determination through which an independent sovereign people gives a law to itself. This idea is less central to the Western public political culture than the idea of free and equal citizens and is open to various disagreements and interpretations, but one would be hard-pressed to argue that it is marginal to Western democratic

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7. Adam Dahl, *Empire of the People: Settler Colonialism and the Foundations of Modern Democratic Thought* (Lawrence, KS: University Press of Kansas, 2018).

8. Ibid., 9.

9. John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 13–14.

thought. I argue that this idea is fundamentally anti-pluralist and can justify coercive assimilation—in concert with other factors, including racism and capitalist processes of dispossession and primitive accumulation—and disqualify and disavow Indigenous political difference, notably by imposing specific democratic forms of governance, ironically legitimated as inclusive and emancipatory.

Regarding the objective of Indigenization, I explore how Indigenous political thoughts and practices, with their emphasis on non-interference, interdependence, and responsibility, can transform how democratic governance is envisioned. In doing so, this project follows Robert Williams in using the “American Indian visions of law and peace” to “begin to construct new and fresh approaches to the critical dilemma of justly ordering relations of power and privilege between the different groups of peoples in conflict and confrontation in our world today.”<sup>10</sup> It specifically presents the Two Row Wampum of the Haudenosaunee Confederacy as a particularly telling living Indigenous political discourse that offers a heuristic embodiment of broader Indigenous political thoughts and practices.<sup>11</sup> Following the political ideas associated with the Two Row Wampum, I contend that democratic governance can be expunged from the idea of sovereign autonomy and reimagined as a political relationship where respect, trust, responsibility, and peace flourish between kin who jointly determine the terms of their governance.

My appeal to the Two Row Wampum de-emphasizes its frequent association with classical sovereignty and nation-state-like political entities. Though the distinct existence of political entities and their entitlement to non-interference is central to the Two Row Wampum, I follow Taiaiake Alfred<sup>12</sup> and Turner<sup>13</sup> in highlighting how it also asserts interdependence and peaceful relationships. I see the Two Row

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10. Robert A. Williams, Jr., *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600–1800* (Oxford: Oxford University Press, 1997), 11. In this respect, this project adopts Coulthard’s call to turn away from the settler state to formulate Indigenous alternatives, but it also recognizes the importance of addressing non-Indigenous intellectuals and political and legal institutions to bring about change. This raises various important questions about the possibility of change as long as the settler state remains grounded on Eurocentric and colonial world-views, but practical realization is beyond what I can address here.

11. Without ignoring differences between diverse First Nation and Native American political philosophies, there is an identifiable kernel of broadly shared commitments to respect and reciprocity among many of them. Consider, for instance, Georges Sioui’s claim that the “Commonwealth of nations” at the center of which was the Wendat Confederacy was “based on peace, trade, and reciprocity”; see Georges E Sioui, *Eatenonha: Native Roots of Modern Democracy* (Montreal, QC: McGill-Queen’s University Press, 2019), viii; and Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Oxford: Oxford University Press, 2009), 14.

12. Alfred, *Peace, Power, Righteousness*.

13. Turner, *Not a Peace Pipe*.

Wampum as allowing us to envision autonomy as relational. I further emphasize the relevance of the political principles embedded in the Two Row Wampum for all levels of governance and not just between distinct nations. The Two Row Wampum can be interpreted as blurring the distinction between internal democratic authority and external sovereignty and thus as offering an account of joint, non-coercive, autonomous governance that is consistent across all levels of governance.

One caveat: I do not speak for the Haudenosaunee Confederacy and their understanding of their treaty and political relationship with settlers. They remain the authoritative voice on their political thought and practices. I am not offering an historical account of this treaty or a descriptive account of Indigenous knowledges or claiming to authoritatively explain this living political tradition. In other words, I am not and do not claim to be an “Indigenous philosopher,” which is how Turner refers to those who “possess the privileged forms of indigenous knowledge,” like Elders and Knowledge Keepers.<sup>14</sup> Rather, I am an Indigenous scholar, trained in Western institutions, committed to the ethical impulse of Indigenous studies, who is listening and learning from Indigenous philosophers and from Indigenous scholars, and colleagues, who have and are uplifting, defending, and revitalizing Indigenous ways of being, doing, and knowing. What I offer is a reflection, guided by the words of Indigenous philosophers like Oren Lyons<sup>15</sup> and Richard Hill,<sup>16</sup> and Indigenous scholars like Alfred<sup>17</sup> and Ruth Koleszar-Green,<sup>18</sup> on the political ideas associated with the Two Row Wampum and how they allow us to envision more just relationships for all. I see my reflection as in line with the work of a Word Warrior:<sup>19</sup> my intervention is a normative one, foregrounding Indigenous knowledges to think about how to transform our contemporary politics.

First, I start by considering the treaty recorded by the Two Row Wampum Belt. Second, I discuss the political principles, such as relational autonomy, embedded in this treaty. Third, I explain how the political situation of Indigenous Peoples in Canada and the USA does not reflect these principles and, fourth, I suggest how this can

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14. Ibid., 72.

15. Oren Lyons, “The American Indian in the Past,” in *Exiled in the Land of the Free: Democracy, Indian Nations, and the U.S. Constitution*, ed. Oren Lyons (Santa Fe, NM: Clear Light Publishers, 1992), 13–42.

16. Richard Hill, “Oral Memory of the Haudenosaunee: Views of the Two Row Wampum,” in *Indian Roots of American Democracy*, ed. Joe Barreiro (Ithaca, NY: Akwe:kon Press, 1992), 149–59.

17. Alfred, *Peace, Power, Righteousness*.

18. Ruth Koleszar-Green, “What Is a Guest? What Is a Settler?,” *Cultural and Pedagogical Inquiry* 10 (2019): 166–77.

19. Turner, *Not a Peace Pipe*.

be made sense of in light of democratic autonomy. To conclude, I consider ways that the relational autonomy associated with the Two Row Wampum can transform democratic governance.

### The Treaty at Tawagonshi

Wampum belts, or sometimes necklaces, have played diverse roles in the relationships of Indigenous peoples, among themselves and with settlers; today they are frequently remembered and appealed to for the political teachings they embed and for the agreements between nations they record.<sup>20</sup> Koleszar-Green explains that wampum belts were “woven documents” made of white and purple shells and were exchanged “as a means of recording and passing on agreements . . . These belts are considered to be living and binding agreements.”<sup>21</sup> Ultimately, wampum are more than physical records; as living agreements they are informed by, and concretely manifest, Indigenous political philosophies.

One such wampum is the Two Row Wampum Belt. It records a treaty between the Kanien’kehá:ka and “a Dutch trader named Jacob Eelckens”<sup>22</sup> that took place at Tawagonshi Hill near Albany around 1613. As a treaty, it is meant to establish peace and friendship forever between the two polities. Visually, it represents the essence of this relationship. As described by Williams:

There is a bed of white wampum which symbolizes the purity of the agreement. There are two rows of purple, and those two rows have the spirit of your ancestors and mine. There are three beads of wampum separating the two rows and they symbolize peace, friendship and respect. These two rows will symbolize two paths or two vessels, travelling down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the white people and their laws, their customs and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other’s vessel.<sup>23</sup>

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20. Tehanetorens, *Wampum Belts of the Iroquois* (Summertown, TN: Book Publishing Company, 1999); and Jonathan C. Lainey, *La “Monnaie Des Sauvages”: Les Colliers de Wampum d’hier à Aujourd’hui* (Sillery, QC: Septentrion, 2004).

21. Koleszar-Green, “What Is a Guest?,” 166.

22. Jon Parmenter, “The Meaning of Kaswentha and the Two Row Wampum Belt in Haudenosaunee (Iroquois) History: Can Indigenous Oral Tradition Be Reconciled with the Documentary Record?,” *Journal of Early American History* 3 (2013): 82–109, at 84.

23. Robert A. Jr. Williams, “The Algebra of Federal Indian Law: The Hard Trail of Decolonizing and Americanizing the White Man’s Indian Jurisprudence,” *Wisconsin Law Review* (1986): 219–99, at 291.

The Two Row Wampum quickly became central to how the Haudenosaunee Confederacy presented its relationship with European settlers and a central part of its political claims, though it is essential to appreciate that it is not exceptional, but embedded in and an expression of broader Haudenosaunee political philosophy and practices.<sup>24</sup> When the English took over New Netherlands, they “held a council at Albany [in 1677] at which the first gus-wen-tah—or two-row wampum belt—was given.”<sup>25</sup> In Canada, the Two Row Wampum was one of the belts exchanged at Niagara in 1764<sup>26</sup> and following its extension “to all the Great Lakes nations in the 1760s, it became a generalized crown-aboriginal treaty relationship.”<sup>27</sup> In the USA, members of the Haudenosaunee discussed it with George Washington and later used it “to ward off attempts to include Native people in American citizenship.”<sup>28</sup> Today, it remains central to the Haudenosaunee’s political claims, both against Canada and the USA, and was the object of a renewal campaign in 2013.<sup>29</sup> It has also become a more general model for Indigenous peoples from other nations to express their understanding of their distinct political status against the settler states’ claimed sovereignty.<sup>30</sup>

The vision of a durable peaceful relationship between distinct polities as laid down in this treaty is of great interest in thinking about political relationships on Indigenous terms. First, it affirms the political difference of Indigenous peoples and settlers. While the two polities are entering a treaty, no party is subjecting itself to the other or transferring its lands or authority. In fact, the image of the two distinct ships and the requirement that each must remain in their own vessel affirm the authority of each party over their respective laws, customs and ways. As explained by Alfred,<sup>31</sup> this is understood as a requirement to respect each partner’s

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24. Turner, *Not a Peace Pipe*, 54.

25. Mark Walters, “Brightening the Covenant Chain: Aboriginal Treaty Meanings in Law and History after Marshall,” *Dalhousie Law Journal* 24 (2001): 75–138, at 81.

26. Jean Leclair, “Federal Constitutionalism and Aboriginal Difference,” *Queen’s Law Journal* 31 (2006): 521–35, at 527.

27. Walters, “Brightening the Covenant,” 81.

28. Daniel Coleman, “Imposing SubCitizenship; Canadian White Civility and the Two Row Wampum of the Six Nations,” in *Narratives of Citizenship Indigenous and Diasporic Peoples Unsettle the Nation-State*, ed. Aloys N. M. Fleischmann, Cody McCarroll, and Nancy Van Styvendale (Edmonton, AB: University of Alberta Press, 2011), 177–211, at 205.

29. Penelope Edmonds, *Settler Colonialism and (Re)Conciliation: Frontier Violence, Affective Performances, and Imaginative Refoundings* (New York: Palgrave Macmillan, 2016).

30. *Ibid.*, 32.

31. Alfred, *Peace, Power, Righteousness*, 76.

autonomy<sup>32</sup>/self-determination, freedom, and power. Considering this, whatever other subsequent agreements were passed between Indigenous peoples and the settlers, and regardless of the growth of the settler polities, the continued distinct existence of Indigenous polities has been affirmed over time.<sup>33</sup> Secondly, the parties may share the river, but they must refrain from steering one another's ship. By respecting one another, durable trust, peace, and ultimately friendship will develop such that the two parties will be able to travel together along the same river in harmony. This last point needs to be stressed: from respect will come trust and from trust will come peace and friendship.<sup>34</sup> In sum, to share land peacefully, the parties must be committed to a respectful ongoing political relationship that acknowledges difference and self-determination but that nonetheless affirms a mutual engagement.<sup>35</sup>

The image of the ships traveling side by side also suggests a form of tolerance and the need to refrain from seeking to transform the other. It suggests a commitment to mind one's own business and to refrain from resorting to coercion in interpersonal and intergroup relationships. Following Alfred, who references Russel Barsh,<sup>36</sup> this can be seen as an expression of the "Native concept of governance" according to which "the 'primacy of conscience'" and freedom to dissent are fundamental.<sup>37</sup> This is in line with the traditional Indigenous commitment to non-interference in the lives of others and refusal to coercively determine the conduct of individuals, applied between groups.<sup>38</sup>

Yet, following Daniel Coleman, this affirmed separateness of the two polities and commitment to non-interference are "not a statement of enmity or a call for cultural apartheid."<sup>39</sup> Rather, the Two Row Wampum creates a new political relationship that binds the two parties together; as Turner emphasizes, "there are three

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32. Though here I write "autonomy" following Alfred, it will become clear how this use differs from the Western democratic understanding. I will hereafter use self-determination to avoid confusion.

33. Walters, "Brightening the Covenant," 82.

34. Richard W. Hill, Sr., "Linking Arms and Brightening the Chain; Building Relations through Treaties," in *Nation to Nation: Treaties between the United States & American Indian Nations*, ed. Suzan Shown Harjo (Washington, DC: Smithsonian Books, 2014), 37–58, at 41.

35. Parmenter, "Meaning of Kaswentha," 99.

36. Russel Lawrence Barsh, "The Nature and Spirit of North American Political Systems," *American Indian Quarterly* 10 (1986): 181–98.

37. Alfred, *Peace, Power, Righteousness*, 49.

38. Kiera Ladner, "Governing Within an Ecological Context: Creating an Alternative Understanding of Siiksikaawa Governance," *Studies in Political Economy* 70 (2003): 125–50, at 138–39; and Nick Estes, *Our History Is the Future; Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (London: Verso, 2019), 117.

39. Coleman, "Imposing SubCitizenship," 189.



beads, representing peace, respect, and friendship, that bridge the two parallel rows.”<sup>40</sup> Treaties, within Indigenous political traditions, are not merely contracts that specify the terms of an agreement between sovereign autonomous nations. They are rather the frameworks of a new relationship that is meant to “endure indefinitely”<sup>41</sup> and that requires the joint commitment of the partners to its maintenance. In the case of the Two Row Wampum, “respect, peace, and friendship are pivotal to maintaining the relationship,”<sup>42</sup> such that, though it affirms political difference, it also fundamentally creates a sacred ongoing relationship<sup>43</sup> where the partners are now, to some extent, dependent on one another and jointly determining their existence with respect, peace, and friendship in mind. The relationship created can be expressed as the extension of kinship. By entering a treaty, the parties become part of the same wider family.<sup>44</sup> Their identity now refers to the other; they become “marked” by one another.<sup>45</sup> From this dependence also emerges a responsibility for the other. Treaty partners are often represented as linking arms together,<sup>46</sup> symbolizing a commitment to care for one another, to owe one another assistance and mutual support.<sup>47</sup>

Furthermore, treaty partners must adapt and live together despite their differences, the aim being long-lasting peace and friendship. This commitment to care for and respect the other, in an enduring way, can be understood as a commitment to harmony; but as Aaron Mills explains, harmony should not be understood “in the romantic sense of non-conflict. This is harmony understood as the ceaselessly changing but grounded state of interdependent selves engaged with each other in personal practices of mutual aid, which we may call *living in right relation*.”<sup>48</sup> Ultimately, the political relationship established by a treaty is not concerned with justice

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40. Turner, *Not a Peace Pipe*, 48.

41. Michael Coyle, “As Long as the Sun Shines: Recognizing That Treaties Were Intended to Last,” in *The Right Relationship: Reimagining the Implementation of Historical Treaties*, ed. John Borrows and Michael Coyle (Toronto, ON: University of Toronto Press, 2017), 39–69, at 49.

42. Turner, *Not a Peace Pipe*, 54.

43. Coleman, “Imposing SubCitizenship,” 200.

44. Williams, *Linking Arms*, 43–44, 47.

45. Heidi Kiiwetinepinesik Stark, “Marked by Fire: Anishinaabe Articulations of Nationhood in Treaty Making with the United States and Canada,” *American Indian Quarterly* 36 (2012): 119–49, at 122.

46. Walters, “Brightening the Covenant,” 81.

47. Williams, *Linking Arms*, 63; and Michael Asch, *On Being Here to Stay: Treaties and Aboriginal Rights in Canada* (Toronto, ON: University of Toronto Press, 2014), 113–14.

48. Aaron Mills, “What Is a Treaty? On Contract and Mutual Aid,” in *The Right Relationship: Reimagining the Implementation of Historical Treaties*, ed. Michael Coyle and John Borrows (Toronto, ON: University of Toronto Press, 2017), 208–47, at 236.

as the right distribution of legal rights and goods, but with the right relationship, or harmony.<sup>49</sup> Indigenous treaties, then, ground political relationships in ways that contracts do not: “contract, unlike the mutual aid of a Covenant Chain, doesn’t link us together. It’s a chain that binds us apart and anchors us in perpetuity and with certainty to division.”<sup>50</sup> Yet, even if treaties are intended to be forever, their endurance is understood as requiring regular renewal and reengagement. The parties are called upon to address and redress grievances to reaffirm the relationship and ensure its maintenance.<sup>51</sup> In sum, treaties, like the one memorialized by the Two Row Wampum Belt, were “a way of imagining a world of human solidarity where we regard others as our relatives” and to commit to act in ways that sustain, maintain, and renew this representation.<sup>52</sup>

### Listening to the Two Row Wampum

Though a treaty of the Haudenosaunee Confederacy, the Two Row Wampum is also regarded by many Indigenous peoples as a normative account of the relationship that should exist between Indigenous peoples and settler states to guarantee their continued political freedom as distinct self-determining polities. I now turn to this normative account and its broader theoretical implications.

First, Indigenous peoples and states should engage in political processes that respect their self-determination as distinct polities that are jointly determining and maintaining their relationship. This means that their relationship should be directed by the principles of respect for self-determination. The ships of the Two Row Wampum are traveling down the river side by side. Each ship contains the laws, customs, and ways of the respective polities, which must refrain from seeking to steer the other ship. In practice, this entails that each polity governs its own affairs and should not be coerced by the other party to act in ways that conflict with its laws, customs, and ways. It is because of this right to determine their own course on the river that members of the Haudenosaunee have refused to participate in elections run by the settler states,<sup>53</sup> that they have issued and used “Haudenosaunee passports

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49. Ibid., 215.

50. Ibid.

51. Walters, “Brightening the Covenant,” 81, 84; and Barsh, “Nature and Spirit,” 194.

52. Williams, *Linking Arms*, 84.

53. Mohawk Council of Kahnawà:ke, “Mohawk Council of Kahnawake Reiterates Position to Community Regarding Quebec Election,” Mohawk Council of Kahnawà:ke (February 4, 2014), [http://www.kahnawake.com/pr\\_text.asp?ID=2241](http://www.kahnawake.com/pr_text.asp?ID=2241).

and refuse[d] citizenship in either Canada or the United States”<sup>54</sup> and opposed conscription during World War II.<sup>55</sup>

Furthermore, to fully account for the status of Indigenous peoples as distinct polities, their political authority should be acknowledged as *sui generis*. This means that their political standing and authority should not derive from recognition by the settler state or be delegated by it, as, for instance, with the authority of municipalities.<sup>56</sup> Neither is it ethnic nor cultural distinctiveness that explains their political difference and standing in relation to the state. Instead, their authority is inherent to their peoplehood, stories, and original instructions from the Creator.<sup>57</sup>

Second, their relationship should also be directed by the principle of nation-to-nation negotiations<sup>58</sup> or treaty relationships. Through the treaty relationship, Indigenous peoples and settler states are bound together. They have to manage their relationship, but to respect their distinct authority neither of the parties can be supreme and hold final coercive authority, that is sovereignty. As James (Sákéj) Youngblood Henderson notes: “Treaties created shared responsibilities rather than supreme powers.”<sup>59</sup> Hence, we need to think of the political relationship between Indigenous peoples and settler states as one where no party holds sovereignty over the others, but where there should exist joint structures through which negotiated terms of interactions and governance, expressing their respective self-determination, could be achieved. This is why Alfred notes the consistency of the ideas associated with the Two Row Wampum with the “original principle of federalism.”<sup>60</sup>

Third, and consequently, the Two Row Wampum suggests that groups can be self-determining without a coherent, unique, united, and supreme political entity—a sovereign—to express their autonomous will. Instead, it offers a view of political

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54. Coleman, “Imposing SubCitizenship,” 189.

55. Laurence M. Hauptman, “Congress, Plenary Power, and the American Indian, 1870 to 1992,” in *Exiled in the Land of the Free: Democracy, Indian Nations, and the U.S. Constitution*, ed. Oren Lyons (Santa Fe, NM: Clear Light Publishers, 1992), 317–36, at 324–26.

56. James Sákéj Youngblood Henderson, “Sui Generis and Treaty Citizenship,” *Citizenship Studies* 6 (2002): 415–40, at 417.

57. Brian Maracle, “The First Words,” in *Our Story: Aboriginal Voices on Canada’s Past*, ed. Tantoo Cardinal (Toronto, ON: Anchor Canada, 2010), 12–31.

58. This frequently used expression makes intelligible the broad political relationship embodied by Indigenous treaties. Yet, to avoid confusing this with classical sovereignty, I prefer to use treaty relationship.

59. James Sákéj Youngblood Henderson, “Empowering Treaty Federalism,” *Saskatchewan Law Review* 58 (1994): 241–329, at 253.

60. Alfred, *Peace, Power, Righteousness*, 77; Henderson, “Treaty Federalism”; and Iris Marion Young, *Global Challenges; War, Self-Determination, and Responsibility for Justice* (Cambridge: Polity Press, 2007), 32, 35.

autonomy that is relational and realized through our rightful interactions with others. We do not give a law to ourselves in isolation, but through our relationship with others and by considering our interdependence. As Walters writes regarding the absence of a unique sovereign entity following the extension of the Covenant Chain to the Great Lakes:

Sovereignty was not asserted through an absolute political authority vested in a single entity. Rather, it was manifested by acknowledging the existence of multiple and interlocking centres or nodes of normativity. Family, lineages, clans, villages, nations, confederacies, colonies, their “Father” the King and his representatives, and the spiritual forces within their lands and waters were all centres of interlocking normativity, each independent but also inseparable from the others. All of these centres are subject to the imperatives of “right,” the imperative of seeking coherent or harmonious relationships through honouring duties of care while at the same time respecting each group’s field of equal freedom.<sup>61</sup>

What this makes clear is that, as Mills puts it, “although we are *distinct, unique* peoples, we are not and have never been *autonomous peoples*,” in the sense of sovereign independent autonomy, because of our fundamental interdependence.<sup>62</sup> At the individual level, this can be associated with relational autonomy or self-determination.<sup>63</sup> Iris Marion Young offers the following account of relational self-determination: “peoples can be self-determining only if the relations in which they stand to others are nondominating. To ensure nondomination, their relations must be regulated both by institutions in which they all participate and by ongoing negotiations among them.”<sup>64</sup> Similarly, the Two Row Wampum affirms, at the group level, that we are properly self-determining only when we stand in the right relationship with others. More precisely, political self-determination requires the joint agency of diverse political actors interacting with the right orientation to their “kin”: respect, trust, friendship, and a commitment to act on their responsibilities, to safeguard peace and harmony.

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61. Mark Walters, “Rights and Remedies within Common Law and Indigenous Legal Traditions: Can the Covenant Chain Be Judicially Enforced Today?,” in *The Right Relationship: Reimagining the Implementation of Historical Treaties*, ed. John Borrows and Michael Coyle (Toronto, ON: University of Toronto Press, 2017), 187–207, at 199.

62. Mills, “What Is a Treaty,” 210.

63. Catriona Mackenzie and Natalie Stoljar, eds., *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Oxford: Oxford University Press, 2000).

64. Young, *Global Challenges*, 40.

## The Domination of Indigenous Peoples

I now turn to significant ways in which these principles describe a different world than the one we live in. I cover a diversity of examples and policies from Canada and the USA, to the extent that the Two Row Wampum applies in both settler contexts. The point is not to offer an historically contextualized survey of these policies but to illustrate how they reveal a structural context of control, erasure, and assimilation<sup>65</sup> that has denied the principles offered by the Two Row Wampum. Notwithstanding the precise justifications and objectives of these policies, the outcome has consistently been that of serving the settler imperative of a perfected sovereignty.<sup>66</sup>

First, despite acknowledging the special constitutional status of Indigenous peoples, settler states fall short of acknowledging them as equal partners in treaty relationships. This is because the state claims sovereignty. It recognizes the *sui generis* authority of Indigenous peoples, but then limits the meaning and consequences of this idea by keeping its claim to sovereignty constant. Treaties with Indigenous peoples in Canada are considered to be *sui generis* and not governed by international law;<sup>67</sup> though they are treaties, they do not challenge the state's sovereignty. Similarly, though Indigenous peoples are recognized as "nations by law" and "tribal sovereignty . . . is recognized by the United States,"<sup>68</sup> their status, in the words of Chief Justice John Marshall, is considered to be that of "domestic dependant nation[s]."<sup>69</sup> Dependence is not antithetical to the kinship relationship associated with Indigenous treaties, but needs to be grounded in reciprocity and shared power, not dominance and coercion. In the present case, the state occupies a position of sovereign dominance that is not to be undermined. As Toby Rollo explains, the state's claim to sovereignty forecloses full acknowledgment of Indigenous *sui generis* authority and independence, under pain of being undermined: "Sovereignty is not simply a reason or consideration that can be disputed; it is the context of relationships against which these disputes are judged and resolved . . . Unsurprisingly, within this understanding, 'the claim to Aboriginal sovereignty can only appear as an unreasonable proposal or an

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65. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8 (2006): 387–409; and Robert Nichols, *Theft Is Property! Dispossession & Critical Theory* (Durham, NC: Duke University Press, 2020), 60–62.

66. Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788–1836* (Cambridge, MA: Harvard University Press, 2010).

67. Coyle, "As Long as the Sun Shines," 42.

68. Perry Dane, "The Maps of Sovereignty: A Meditation," *Cardozo Law Review* 12 (1991): 959–1006, at 960.

69. *Ibid.*, 989.

illogical assertion.’”<sup>70</sup> Based on this claimed sovereignty and supremacy, the settler states have pursued various policies to authoritatively impose directives on Indigenous peoples and have not treated them as equal stakeholders in governance. Among other areas, these directives have dictated what should be considered Indigenous land, required the displacement of Indigenous populations, imposed legal criteria for the recognition of Indigenous identity, and banned cultural practices.

For instance, as noted above, the Haudenosaunee resisted conscription during World War II on the basis that they were not US citizens and that they formed a distinct polity. Notwithstanding, the courts upheld the power of the state to require their military service<sup>71</sup> and thereby asserted the US courts’ right to make this decision. Similarly, Laurence Hauptman notes how the doctrine of plenary power gave Congress the right “to unilaterally intervene and legislate over a wide range of Indian affairs, including the territory of the Indian nations.”<sup>72</sup> He further mentions how the Indian Reorganization Act of 1934, despite aiming to reduce assimilation, “was not designed to recognize native sovereignty” since “the secretary of the interior . . . had the final voice in every major policy decision made by Indians.”<sup>73</sup>

In the Canadian context, the Indian Act<sup>74</sup> is the key legal embodiment of this authoritative imposition of directives on Indigenous peoples. The Act is a comprehensive piece of legislation that has had and still has deep consequences on the lives and political organization of Indigenous peoples.<sup>75</sup> The indictment of the Indian Act as a dominating and oppressive piece of legislation is well known,<sup>76</sup> but it is nonetheless worth emphasizing how this Act has denied Indigenous peoples the capacity to govern themselves following their own ways. Indigenous peoples had—and still have—their own laws and systems of governance, but the Indian Act

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70. Toby Rollo, “Mandates of the State: Canadian Sovereignty, Democracy, and Indigenous Claims,” *Canadian Journal of Law & Jurisprudence* 27 (2014): 225–65, at 232–33; and Andrew Schaap, “The Absurd Proposition of Aboriginal Sovereignty,” in *Law and Agonistic Politics*, ed. Andrew Schaap (Burlington, VT: Ashgate Publishing Company, 2009), 209–23, at 217.

71. Hauptman, “Congress,” 324–26.

72. *Ibid.*, 318.

73. *Ibid.*, 329.

74. Indian Act (R.S.C., 1985, c. I-5).

75. Mary-Ellen Kelm and Keith D. Smith, *Talking Back to the Indian Act: Critical Readings in Settler Colonial Histories* (Toronto, ON: University of Toronto Press, 2018); and John F. Leslie, “The Indian Act: An Historical Perspective,” *Canadian Parliamentary Review* 25 (2002): 23–27.

76. The Indian Act is the primary legal materialization of settler colonialism in Canada. A valuable introduction to this legislation is: Robert P. C. Joseph, *21 Things You May Not Know about the Indian Act: Helping Canadians Make Reconciliation with Indigenous Peoples a Reality* (Port Coquitlam, BC: Indigenous Relations Press, 2018).

displaced them when it imposed the band system, which granted the Canadian government final authority, through its former Ministry of Indian Affairs to which elected band councils would report.<sup>77</sup> The band system was even imposed by force, as in 1924 when the Royal Canadian Mounted Police intervened on the Six Nations Reserve of the Grand River to physically remove the traditional hereditary council of the Haudenosaunee Confederacy.<sup>78</sup> Even as recently as 2009–2010, Indian Act provisions were used to impose band council elections and to change the customary system of the Algonquins of Barriere Lake.<sup>79</sup> Essentially, the settler state attempted, and following Shiri Pasternak's evidence still attempts,<sup>80</sup> to replace the governance structures of Indigenous peoples by a delegated authority, over which it holds the final word. Despite contemporary talk of reconciliation and of a nation-to-nation relationship, that is, despite recognizing that Indigenous peoples have their own ship, settlers often assumed that they had the sovereign authority to jump ship, change the crew, and set course for Indigenous peoples.

Second, considering treaty relationships, Indigenous peoples should have robust control on joint terms of governance, exercised through joint negotiation. Yet, neither in Canada nor the USA do Indigenous peoples stand as distinct constitutive parts of the constitutional order. They are mentioned by the constitutions, they hold constitutionally protected rights, and there are laws about Indigenous peoples. But the constitutional order is not and has not been thought of as the joint creation of Indigenous peoples and settlers. Canada and the USA have made treaties with Indigenous peoples, but they have not lit a shared council fire. There is no political institution designed to revise the relationship through negotiation as distinct peoples and Indigenous peoples are not represented as distinct peoples in Congress nor Parliament.<sup>81</sup> Rather, revisions take place within the institutions of the settler states, where the state exercises final and supreme authority, and where Indigenous

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77. Canada, "Report of the Royal Commission on Aboriginal Peoples Vol. 2" (Ottawa, ON: The Commission, 1996), 345–46.

78. Susan M. Hill, *The Clay We Are Made of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg, MB: University of Manitoba Press, 2017), 215; and Laura DeVries, *Conflict in Caledonia: Aboriginal Land Rights and the Rule of Law* (Vancouver, BC: UBC Press, 2011), 10 and passim.

79. Shiri Pasternak, *Grounded Authority: The Algonquins of Barriere Lake against the State* (Minneapolis, MN: University of Minnesota Press, 2017), 191.

80. Ibid.

81. Vine Deloria, Jr., "The Application of the Constitution to American Indians," in *Exiled in the Land of the Free: Democracy, Indian Nations, and the U.S. Constitution*, ed. Oren Lyons (Santa Fe, NM: Clear Light Publishers, 1992), 281–315, at 314; Henderson, "Treaty Federalism," 322; and Russel Lawrence Barsh and James Sákéj Youngblood Henderson, *The Road: Indian Tribes and Political Liberty* (Berkeley, CA: University of California Press, 1980), 210.

peoples have a right to be consulted. This failure to account for the standing of Indigenous peoples as co-creators of an overarching constitutional order is made the clearest when we consider adjudication. Unlike in Aotearoa New Zealand, where the Waitangi Tribunal has been instituted to resolve issues arising from the Treaty of Waitangi, neither Canada nor the USA has put in place any special institution to resolve treaty disputes with their Indigenous partners.<sup>82</sup> These are still resolved by the courts of the settler state.

Third, the political freedom of Indigenous peoples has been most seriously attacked by the various policies of assimilation and incorporation pursued by settler states. For various reasons, some related to capitalist processes of dispossession<sup>83</sup> and some related to racist evolutionary and progressivist views of society,<sup>84</sup> the distinct social and political realities of Indigenous peoples came to be seen as inimical to the colonial state. From allies and treaty partners, Indigenous peoples turned into a problem. One way in which this “problem” could be addressed was by absorbing them “into the body politic,” as Duncan Campbell Scott infamously put it in the Canadian context.<sup>85</sup> As Herman Merivale advocated it, assimilation “by some means or other,” was “the only possible Euthanasia of savage communities.”<sup>86</sup> A blatant and violent example of the “solution” to that “problem” are the genocidal industrial and residential schools, specifically designed to destroy the capacity of Indigenous peoples to reproduce themselves as distinct political and social entities by forcefully separating children from their families to assimilate them.<sup>87</sup>

Not only was the capacity of Indigenous peoples to reproduce themselves over generations attacked, their distinct political standing was also denied. In the USA, this can be seen in the policy of termination: “As a philosophy, the movement encouraged assimilation of Indians as individuals into the mainstream of American society and advocated the end of the federal government’s responsibility for Indian affairs.” This would happen by ending the “federal treaty relationships and trust

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82. Michael Coyle and John Borrows, “Introduction,” in *The Right Relationship: Reimagining the Implementation of Historical Treaties.*, ed. John. Borrows and Michael Coyle (Toronto, ON: University of Toronto Press, 2017), 3–13, at 4.

83. Coulthard, *Red Skin, White Masks*; Nichols, *Theft Is Property*.

84. Patrick Wolfe, *Traces of History: Elementary Structures of Race* (New York: Verso, 2016).

85. Robert L. McDougall, “Duncan Campbell Scott,” *The Canadian Encyclopedia* (January 18, 2018), <https://www.thecanadianencyclopedia.ca/en/article/duncan-campbell-scott>.

86. Denys Delâge and Jean-Philippe Warren, *Le Piège de La Liberté: Les Peuples Autochtones Dans l'engrenage Des Régimes Coloniaux* (Montréal, QC: Boréal, 2017), 362–63; and Herman Merivale, *Lectures on Colonization and Colonies* (New York: Augustus M. Kelley, 1967), 511.

87. Truth and Reconciliation Commission of Canada, “The Final Report of the Truth and Reconciliation Commission of Canada” (Canada, 2015).



responsibilities with certain specified Indian nations” and repealing “federal laws that set Indians apart from other American citizens.”<sup>88</sup> Perniciously, these policies were often presented as aiming for inclusion and complete freedom. As David Temin explains, proponents of termination “tapped into a narrative of national citizenship that equated inclusion with emancipation.”<sup>89</sup>

### The Demos Turned Despot

The domination and oppression of Indigenous peoples in North America can be understood and accounted for in various ways. Without denying other perspectives, I contend that the role of democratic autonomy, though often overlooked, is significant. As explained by Richard Day, Western political thought tends to understand democratic self-determination as sovereign autonomy: democratic governance is realized when a people independently gives a law to itself, without interference.<sup>90</sup> Fundamentally, this is because autonomy is understood as requiring a self, which cannot ontologically be divided if it is to be self-directing. As such, contemporary democratic political institutions seemingly require a single political and legal order under the control of a broadly equal and united people.<sup>91</sup> On this view, democratic self-determination is not relational, but solipsistic. It is seen as requiring a significant level of uniformity from any political community to constitute anything resembling an autonomous *self*; the uniformity of the people has accordingly become a guiding idea for thinking about the actual organization of self-determining democratic polities. The uniformity of the people has in turn been translated into a requirement for equal and uniform citizenship. As Young explains, the idea of equal citizens seeking “a general will, a point of view and interest that [they] have in common which transcends their differences, has operated in fact as a demand for homogeneity among citizens.”<sup>92</sup> In other words, the autonomous people tends to be conceived as requiring equal and uniform citizens to be properly self-determining.

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88. Hauptman, “Congress,” 329.

89. David Temin, “Custer’s Sins: Vine Deloria Jr. and the Settler-Colonial Politics of Civic Inclusion,” *Political Theory* 46 (2017): 357–79, at 361.

90. Richard Day, “Who Is This We That Gives the Gift? Native American Political Theory and The Western Tradition,” *Critical Horizons* 2 (2001): 173–201, at 183.

91. Philip Pettit, *On the People’s Terms: A Republican Theory and Model of Democracy* (Cambridge, MA: Cambridge University Press, 2012), 132; and Henry S. Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (Oxford: Oxford University Press, 2002), 28.

92. Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” *Ethics* 99 (1989): 250–274, at 252.

Using this understanding of democratic autonomy, we can make sense of various historical and contemporary policies. We can retrospectively interpret historical discourses and policies as foreshadowing the democratic focus on an equal and uniform people for autonomous self-direction, as understood here and now; while contemporary discourses can be recognized as fundamentally in line with this same focus. For instance, John Jay judged the birthing US republic as blessed with uniformity, or at least saw this as a regulative ideal: "Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs."<sup>93</sup> Regarding the Western expansion of the federal union, James Madison and Thomas Jefferson also articulated positions that foreclosed the possibility of including Indigenous nations, on their own terms, within the developing federal union—even settlers posed a potential threat to the unity of the Republic. As Dahl reports: "Madison feared that settlers expanding westward would morph into a 'hostile or a foreign people' rather than remain 'bone of our bones and flesh of our flesh.'"<sup>94</sup> To prevent this, an "isopolitical" relationship had to be established with the new states of the Republic, which was dependent on their being "a *single political community across separate jurisdictions*."<sup>95</sup> This is why "Jefferson asserted that the model of settler colonial expansion provided by the Northwest Ordinance allowed for the replication of the same society across the frontier."<sup>96</sup> If it is possible to make one out of many—*E Pluribus Unum*—it is because the many are all fundamentally the same.

The power of democratic autonomy to justify, even if only interpretively, policies that deny Indigenous peoples their political difference is made even more explicit when we consider the affirmed need to integrate Indigenous peoples as equal citizens into the body politic. Consider this example concerning the USA's termination policy:

House Concurrent Resolution 108, which became the basis of the federal termination legislation for the Menominees and other Indian nations, states: "It is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled

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93. John Jay, "The Federalist Papers: No. 2," The Avalon Project (2008), [https://avalon.law.yale.edu/18th\\_century/fed02.asp](https://avalon.law.yale.edu/18th_century/fed02.asp).

94. Dahl, *Empire of the People*, 66.

95. Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010), 70.

96. Dahl, *Empire of the People*, 67.

to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States and to grant them all the rights and prerogatives pertaining to American citizenship.”<sup>97</sup>

Or consider this example from Canada: “Trudeau’s White Paper of 1969, which again attempted to include all Native people in the franchise, was premised on the concept of universal inclusion as an inherent good: . . . ‘the White Paper espoused a straightforward assimilationist strategy/philosophy. Its underlying thesis was that separate status contributed to economic backwardness, social isolation, and retrogressive cultural enclaves.’”<sup>98</sup> These policies, though explicitly presented as facilitating the economic and political inclusion of Indigenous peoples, can be read as seeking to contribute to their emancipation, notably from “the dead weight of tradition”<sup>99</sup> and “archaic” forms of land tenure and governance through their uniform incorporation into the autonomous settler collective. In Canada, the language used to refer to the incorporation of Indigenous peoples into the body politic through loss of Indian status betrays this logic; it was explicitly called enfranchisement, or *émancipation* in French. Yet, the logic of incorporation went further in its search for uniformity. Indigenous peoples had to advance to “civilization” and be sufficiently made in the image of the settlers before they could join the self-determining polity.<sup>100</sup> As for those Indigenous peoples who remained too “savage” in the eyes of the settlers, they were excluded from the people and considered an “obstacle to white civilization’s dynamic westward march.”<sup>101</sup> They were thus maintained on reserves<sup>102</sup> and in wardship, without real control over their own polities.

Even for recent attempts at recognizing Indigenous difference in liberal democracies, such as multicultural approaches, the *sui generis* authority of Indigenous peoples is often confronted by the “ideology of equal citizenship” which replaces

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97. Hauptman, “Congress,” 331; Barsh and Henderson, *The Road*, 127.

98. Coleman, “Imposing SubCitizenship,” 207; Henderson, “Treaty Federalism,” 280; and Turner, *Not a Peace Pipe*.

99. Dahl, *Empire of the People*, 70.

100. Racism also prevented the inclusion of Indigenous peoples. Despite civilization being the standard of inclusion, it did not prevent the removal of the five “civilized tribes.” Charles W. Mills, “Multiculturalism as/and/or Anti-Racism?,” in *Multiculturalism and Political Theory*, ed. Simon Anthony Laden and David Owen (Cambridge, MA: Cambridge University Press, 2007), 89–114, at 98.

101. Williams, *Linking Arms*, 19.

102. Herman Merivale listed amalgamation and insulation as the two possible solutions to the “Indian problem.” David T. McNab, “Herman Merivale and Colonial Office Indian Policy in the Mid-Nineteenth Century,” *The Canadian Journal of Native Studies* 1 (1981): 277–302.

their political difference by a “life as a racial or ethnic minority”<sup>103</sup> within an overarching uniform polity. While recognizing Indigenous difference, these contemporary approaches nevertheless reproduce the logic of incorporation by failing to fully embrace the radically distinct political status of Indigenous peoples.<sup>104</sup>

Similarly, though the tides of cultural assimilation may have receded, and though Indigenous difference is now often acknowledged, it remains frequently limited by a requirement that Indigenous peoples should adopt the democratic institutional forms of the settler polity if they are to be recognized as autonomously governing themselves. As Pasternak explains, the imposition of band council elections on the Algonquins of Barriere Lake was precisely justified “under the pretense of bringing the Indigenous government into line with the rest of Canadian society” and by “framing the customary government as a ‘premodern’ form of social, political, and legal organization.”<sup>105</sup> In other words, their imposed transition to electoral democracy was presented as setting them free from antiquated forms of governance that could not properly express the autonomous will of their people, especially in their interactions with the settler state.

A similar dynamic of inclusion-towards-emancipation and self-rule is identifiable in contemporary democratic theory when democratic institutions, that take no account of Indigenous peoples’ political thoughts and practices, are presented as necessary. Coulthard reports how Seyla Benhabib<sup>106</sup> “views justice for Indigenous communities in terms of their greater inclusion into the institutional matrix of the larger settler state and society,” such that Indigenous peoples “require access to the deliberative mechanisms and democratic institutions”<sup>107</sup> of the broader settler society. This can be interpreted by referring to the autonomous united self that is required for democratic governance; it disavows the complex relational autonomy offered by the Two Row Wampum and imagines the self-determination of Indigenous peoples as necessarily proceeding through their inclusion into the autonomous democratic settler collective.

The two previous sections indicate how the terms of recognition associated with Western democratic autonomy have and can serve colonial assimilation and erasure. Drawing on Coulthard and Fanon, we can then indict Western democratic

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103. Henderson, “Sui Generis,” 422.

104. Turner, *Not a Peace Pipe*.

105. Pasternak, *Grounded Authority*, 165.

106. Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, 2002).

107. Coulthard, *Red Skin, White Masks*, 99.

autonomy for extending “white freedom” to Indigenous peoples and for structuring and limiting their inherent freedom.

### Indigenizing Democratic Governance

To conclude this essay, I turn to the objective of Indigenization by reflecting on ways to reframe democratic governance on Indigenous terms. This is not a complete turn away from the state, but an intervention meant to open up reflections on how the relational autonomy associated with the Two Row Wampum can inspire profound transformations to better serve the freedom of all.

First, I explained that the Two Row Wampum affirms that relational autonomy is dependent on the right relationship. This relationship starts with respect. It requires that the members of a polity recognize one another as self-determining and that they approach their differences following the principle of non-interference.<sup>108</sup> It further requires that they treat one another as kin, recognizing their responsibility and “reciprocal duties of care and trust.”<sup>109</sup> In that sense, they should not seek to abuse their partners if the occasion offers itself, as the treaty partnership should develop towards lasting peace and friendship. In this context, which makes space for plurality and political difference, self-determination requires that actors be rightly oriented towards one another rather than they be institutionally organized in a specific way.

Whereas Western democratic theory generally affirms that self-determination requires a uniform autonomous people and specific democratic institutions to express this autonomy, the capacity of political agents to autonomously give a law to themselves can instead be understood as depending on their respect for their distinct conscience and capacity to choose for themselves, on their assuming responsibility for the other, and on jointly determining the terms of their interactions with peace and harmony in mind. Following this view, democratic autonomy obtains in any polity where the terms of governance are under the equal joint control of those subject to them,<sup>110</sup> no matter how many or how different they are, if they follow these requirements. Put differently, relational autonomy depends more on civic virtues than a just institutional organization.<sup>111</sup> The political ideas associated with the Two

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108. Turner, *Not a Peace Pipe*, 49.

109. Walters, “Rights and Remedies,” 204. Though trust is generally required for a democratic government to thrive, distrust might be relevant towards those who do not respect or care for us.

110. James Tully, *On Global Citizenship: James Tully in Dialogue* (London: Bloomsbury, 2014).

111. Institutional structures are relevant in preventing domination, but insufficient for autonomous joint actions.

Row Wampum invite us to dissociate democratic self-determination from the idea of the rule of the people and from the requirements of a relatively uniform people expressing its autonomous will through specific institutional democratic forms—such as those extended by the Indian Act to the Algonquins of Barriere Lake or those recommended by Benhabib. Rather, we can recognize the multiplicity of ways in which political agents structure their interactions, with respect and responsibility, to bring terms of governance under their joint control as enabling democratic self-determination.

Secondly, to the extent that the relationship between various self-directing entities is what matters and that joint control does not depend on a single equal people, how we conceive of the parts that can be involved in relational self-determination becomes highly flexible. This new political ontology transforms the boundaries of democratic governance. Relational self-determination applies to the right relationship between distinct and diverse political entities, in their multiplicity of forms and it is not ideally expressed at any specific level. It can result from the interactions of individuals, of individuals jointly sustaining diverse political and normative orders or *nomoi*,<sup>112</sup> and of multiple groups negotiating their interactions. As such, without there being a single demos, a polity may nevertheless autonomously give a law to itself if its constitutive actors and parts are interacting with each other in the right way.

This makes democratic self-determination more easily compatible with federalism and political pluralism as it requires no acrobatic distortions to explain how a multiplicity of political entities may nonetheless autonomously rule themselves. It also presents Indigenous peoples and other groups as distinct political entities in their own rights while being full participants in shared, reciprocally responsible governance, as opposed to cultural and ethnic minorities or interest groups within the all-encompassing democratic demos.

This also transforms the boundaries of democratic governance. The political principles embedded in the Two Row Wampum are sometimes understood, just like the Indigenous practice of treaty-making, as applying exclusively to the relationship between distinct sovereign polities,<sup>113</sup> while coercive democratic authority would continue to apply to the internal governance of groups. This relies on a categorical distinction between external sovereignty and authoritative internal democratic governance. The political teachings of the Two Row Wampum blunt this distinction. In her work on wampum belts, Koleszar-Green reports what she learned from the

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112. Robert Cover, "Nomos and Narratives," *Harvard Law Review* 97 (1983): 4–68.

113. Alan Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver, BC: UBC Press, 2000), 92; and Asch, *Here to Stay*, 104–5.

Haudenosaunee Faith Keeper Sakoieta: “For both parties to come together with Peace, Friendship and Mutual Respect, each group must be operating from these values within themselves . . . before Onkwehonwe people and Guests can fully engage in Peace, Friendship and Mutual Respect, they need to be working for these values within each community.”<sup>114</sup> The Two Row Wampum is not merely another way of understanding sovereignty. On the contrary, as an expression of broader Indigenous political philosophies, it describes a distinct understanding of rightful political conduct that is not restricted to a unique domain or level of governance; it expresses a comprehensive understanding of how all political agents—individuals and groups—should interact. It thus extends externally the importance of responsibility and peace, undermining sovereign autonomy, and extends internally the importance of respecting conscience, thus revealing Western democratic authority as highly coercive.

Third, and following from this last point, democratic theory often focuses on democratic authority: its capacity to command and require obedience. Per Henry Richardson: “Only democratic government is legitimate because only democracy appropriately institutionalizes the equal consideration of each citizen in the process of generating new duties through the establishment of laws.”<sup>115</sup> This conception of democracy focuses heavily on decisions and end results. The democratic process is meant to identify, form, or construct the will of the people to autonomously create “new duties.” This could be called a decisionist view of democracy, one that emphasizes the importance of implementing decisions. Accordingly, when one disobeys, one may be coerced or punished for not acting in ways that respect the law which we autonomously gave ourselves.

In contrast, the Two Row Wampum emphasizes the lasting harmony of its parts. Democratic governance should not primarily be associated with a people making autonomous decisions but with self-directing entities continuously negotiating their ongoing endeavor on a joint path. On this view, the continuation of a kinship relationship has supreme importance, as opposed to the enforcement of a decision, which, in this case, is supposedly the authoritative embodiment of an autonomous will. This concern for harmony can be seen in, and is revealed by, the prevalence of supermajority requirements and consensus-based decision-making in Indigenous political constitutions.<sup>116</sup>

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114. Koleszar-Green, “What Is a Guest?,” 168.

115. Richardson, *Democratic Autonomy*, 28.

116. Alfred, *Peace, Power, Righteousness*, 50; and Christopher Alcantara and Greg Whitfield, “Aboriginal Self-Government through Constitutional Design: A Survey of Fourteen Aboriginal Constitutions in Canada,” *Journal of Canadian Studies* 44 (2010): 122–45, at 135.

Furthermore, a politics focused on harmony and grounded in the ethics of non-interference would reject the focus on coercing and punishing those who disobey. It would not associate disobedience with a form of disrespect for equality<sup>117</sup> or democratic autonomy, but rather interpret it as a failure of the political relationship to secure compliance from those involved in it. Such a political relationship would be tainted and would no longer command assent. Accordingly, a central concern of Two Row Wampum politics should be renewing the political relationship to ensure that those involved care for the relationship and are committed to it. As Turner explains, this is a common aspect of Haudenosaunee political thought: “Relationships between people go through natural changes as well. For the Iroquois it is important to periodically recognize, affirm, and renew a relationship in order to revitalize it so that peaceful coexistence can be preserved.”<sup>118</sup> This concern for renewal is shared by other Indigenous political philosophies. As Heidi Stark explains, when treaty relationships were not respected, “the Anishinaabe often expressed the three principles of respect, responsibility, and renewal as a means to reorientate their relationship with the United States and Canada.”<sup>119</sup> When faced with disobedience or the inability to implement decisions, compliance should be secured not through coercion but by re-establishing and repairing the relationship and seeking to re-include those who have been alienated for one reason or another. In sum, democratic self-determination is not primarily expressed through democratic decisions and their enforcement; it depends more on a constant reorientation towards, and renewal of, respect and responsibility for those involved.<sup>120</sup>

By centering the Two Row Wampum rather than the idea of a sovereign autonomous people, we can begin to envision what democratic governance can mean when informed by Indigenous voices, while still speaking to the whole world. The Two Row Wampum provides a model that supports a relational conception of autonomy, rooted in the renewal of mutual respect and responsibility. It foregrounds a political pluralism that can transform how the democratic relationships between diverse peoples have been and are usually conceptualized, including especially the relationship between Indigenous peoples and settlers. This is ultimately an invitation

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117. Thomas Christiano, *The Constitution of Equality* (Oxford: Oxford University Press, 2008).

118. Turner, *Not a Peace Pipe*, 50.

119. Heidi Kiiwetinepinesiik Stark, “Respect, Responsibility, and Renewal: The Foundations of Anishinaabe Treaty Making with the United States and Canada,” *American Indian Culture and Research Journal* 34 (2010): 145–64, at 155.

120. See also Dahl’s discussion of a nonsovereign conception of democracy. Dahl, *Empire of the People*, 188–89.



to turn to and engage further with enduring, even if violently suppressed, Indigenous political discourses based on their potential to transform Western political theory in truly emancipatory ways.

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