

The Concept of Sovereignty in the Political Thought  
of Canadians Indians

Menno Boldt, Department of Sociology  
Leroy Little Bear, Department of Native American Studies  
J. Anthony Long, Department of Political Science

University of Lethbridge  
Lethbridge, Alberta, Canada

## INTRODUCTION

In their quest for an acceptable model of coexistence between their societies and other Canadians Native Indian leaders in Canada have adopted the European-Western principle of state sovereignty for their tribes as the cornerstone of their political, economic and social aspirations. By adapting the notion of state sovereignty to their conception of traditional tribal society, Indian leaders hope to achieve political and cultural self-determination. Because the idea of sovereignty still exerts a strong influence in national and international political and legal dialogue, they see a pragmatic advantage in claiming sovereignty for their people as an inherent, historical right.

The issue of tribal sovereignty has not received the attention it deserves. The purpose of this paper is to investigate the idea of state sovereignty in the context of Indian tribal society. We will not take up the current debate whether Indians surrendered sovereignty to the European colonizers or their successors. Rather we will address ourselves to the more fundamental question, how does the indigenous North American concept of "tribe" or "nation" fit with the European-Western ideas of "state sovereignty"? This question implies more than a linguistic or semantic analysis. It goes to the very heart of traditional Indian cultural values. Our analysis suggests that the

European-Western concept of sovereignty is an alien doctrine for Canada's Indians, but one which the current generation of youthful leaders have adopted in order to nurture the development of traditional custom, ritual, and social organization.

Before we proceed with our analysis of the idea of sovereignty in Indian tribal societies it is necessary to briefly examine the concept of sovereignty in European-Western political thought.

#### EUROPEAN-WESTERN CONCEPTIONS OF SOVEREIGNTY

Jean Bodin is generally credited with introducing in his De la republique the concept of sovereignty into Western political thought as a response to political conditions of his time. Specifically, Bodin attempted to define and justify the exercise of political authority in a secular state. Since Bodin's seminal work, volumes have been written about sovereignty. Yet, despite its importance in philosophy, politics and law neither theorists nor political or legal authorities have been able to achieve a consensus as to its meaning, where it is applicable, or where sovereignty resides. This fact causes confusion and misunderstanding in its use, and lately the idea of sovereignty has been subjected to sharp criticism by scholars (Stankiewicz, 1969).

The explanation for this lack of consensus is not

complex. The history of the doctrine of sovereignty is the history of competing and often conflicting claims to the legitimate exercise of power. The various doctrines of sovereignty represent ethical-philosophical rationalizations of particular power arrangements--rationalizations that were developed by or on behalf of those in power, or those seeking power. Each state developed its own theories of sovereignty to justify particular internal social arrangements, whether religious or secular, absolutist or relative, coercive or popular, hierarchical or egalitarian. Thus, theories were framed to legitimate the Crown or eliminate the Crown; to justify a revolution or discredit a revolution; to justify the power of the State or proclaim the power of the people; to assert the authority of the Church or to assert the power of the Prince; and so on. The emergence of federalism in North America induced the growth of new theories of sovereignty. The North American conception of the divisibility of sovereignty, and political power resting in the people, had little to do with the European conception of sovereignty as a unit supreme, indivisible and unalienable. De Tocqueville pointed out that, while the New World concept of sovereignty broke all the rules of European logic it nevertheless existed as a fact and it worked (Merriam, 1968:162).

From the foregoing it can be seen that the diversity of doctrines of sovereignty emerged naturally from the diversity of socio-political contexts, times and

motivations, in and from which their authors worked. The evolution of theories of sovereignty has been influenced by, and has followed, the peculiar character of changing social-political conditions, circumstances and needs. As we will see, Native Indians are presently trying to develop a concept of tribal sovereignty to fit the peculiar character, circumstances and needs of contemporary Indian society. They confront a challenge to develop a doctrine that will not compromise the central values of their tribal traditions.

## 2 INDIAN CONCEPT OF TRIBAL SOVEREIGNTY

Indian conceptions of tribal sovereignty are embryonic and inchoate. Youngblood-Henderson (1979:71-72) has noted that for Indians sovereignty is a matter of the heart"--an emotional, not an intellectual concept. The idea serves as a declaration that there is an Indian world-view and goal distinct from that of Canadian society. Part of the popularity and emotional appeal of tribal sovereignty for Indians stems from its deliberate vagueness and broadness. This ambiguity allows it to serve as a "fertile mother" of new conceptions of Indian society. Indians can project onto it a promise of all their political, socio-cultural and economic aspirations. They can embrace it without any consideration as to the adequacy of resources and instrumentalities for achieving it; or for reconciling the underlying authority arrangements with their traditional

values of equality and personal autonomy. Yet, if Indian leaders are going to responsibly use the concept of sovereignty as the foundation of their contemporary and future goals they must begin to specify its meaning. The challenge is to develop a theory of sovereignty that embodies both the tribal legacy and their vision for the future. It must be an evolutionary rather than a revolutionary doctrine. Otherwise, the idea of sovereignty will not achieve an influential position in the intellectual or political spheres of Indian thought.

When discussing sovereignty Indian leaders, unlike the European theorists, virtually ignore the issue of allocation of authority and power within the tribe. Instead, they have focussed their attention primarily on checking the intrusion of authority, and power by the dominant society into their political structures and territory. They conceive of tribal sovereignty very narrowly as a strategy to free themselves from external controls so they can fashion their own socio-cultural reality consistent with their conception of the "good society". Unfortunately, in ignoring the concept of sovereignty as a potential doctrine for the ordering of internal tribal authority and power relationships Indian leaders are blinded to the potential peril that the idea of sovereignty holds for traditional Indian values customs and social organization. The consequences of sovereignty for Indian tribes must be evaluated initially in the context of some key ideas contained in European-Western doctrines of

*Community  
Sovereignty*

*Sovereignty  
as a static  
threat to  
"Traditional  
Values."*

sovereignty; namely 1) the concepts of authority, hierarchy and a separate ruling entity; and 2) the notions of statehood and territoriality.

### Authority, Hierarchy and a Ruling Entity

The concept of authority is critical to any analysis of how the European-Western doctrine of sovereignty can function with the indigenous North American form of "tribe" or "nation". Bodin and Hobbes wrote of sovereignty as if it were equivalent to absolute and perpetual authority derived either from God or the people. For Locke and Rousseau sovereignty arose from absolute authority derived from the voluntary agreement of independent wills (contract of association) delegating their authority to the government, the fiduciary sovereign (Merriam, 1968:83; Barker, 1960:100). Common to both of these conceptions of sovereignty, and generally implied in all European-Western concepts of sovereignty, is a principle of authority defined as the supreme, if not absolute and inalienable, power by the ruling entity to make decisions and to enforce them through sanctions or coercion.

Hand in hand with the principle of authority contained in traditional European-Western conceptions of sovereignty is the assumption of a hierarchy of power relationships. Haller (Merriam, 1968:65) makes this assumption explicit in his theory that power or authority was the base of sovereignty and that sovereignty arises from the natural

superiority of one over another. He reasons that equals will not obey equals, hence sovereignty can only be exercised in a state of inequality where the stronger rules. For Haller this represented a universal law of nature--even among the birds of the air and the beasts of the forest the stronger always ruled. This assumption of a hierarchy of authority relationships is general not only in traditional European doctrines of sovereignty but is also evident in contemporary Western conceptions of popular sovereignty as practiced in democratic societies.

The European-Western assumption of hierarchical authority relationships implies that there must be a particular locus for authority. In European society this precept found expression in the authority of rulers. In fact much of the philosophical debate about sovereignty has focussed on the appropriate locus for sovereign authority. Even in the ideal sense of popular sovereignty, that is, where authority is derived from the people, this authority, although determinate, once it is delegated by the people must be lodged somewhere. "Political rulers", "decision-makers", "governments" and so on, are terms distinguishing between those who exercise authority from the rest of the members of the society. These terms imply that an identifiable subset of the members of the total society have the power of authority in their hands (Easton, 1958:184).



The principle of authority held by most North American tribal societies implies a theory of sovereignty very different from the European-Western doctrines, which had their origins in the system of feudalism and emerged as a justification for absolutist and dictatorial power arrangements. The concept of a sovereign authority cannot be reconciled with traditional Indian beliefs and values (A Basic Call, 1977; Ortiz, 1979).<sup>3</sup> The political and social arrangements that would allow them to conceive of authority in terms of European-Western doctrines of sovereignty did not exist. For example, in the Hobbesian doctrine of sovereignty, authority was necessary to protect society against rampant individual self-interest. But, in Indian tribal society individual survival and self-interest were inextricably intertwined with tribal interests. That is, the general good and the individual good were virtually identical. This obviated the need for sovereign authority to sustain the integrity of the society against the centrifugal forces of individual self-interest.

Nor can the idea of hierarchical power relationships contained in European-Western concepts of sovereignty be reconciled with traditional Indian beliefs and values. Indians would have considered European conceptions of sovereignty, with their hierarchical authority structures and special privileges for the few, as a device to deprive the people of equality (Miller, 1955). In European thought the enlightenment concept of egalitarianism emerged later

than the hierarchical doctrine of sovereignty. Egalitarianism was imposed on and interacted with the concept of sovereign authority to produce more humane political structures. In traditional Indian society the analogue for sovereignty and egalitarianism were not merely interacting concepts, they were inseparable from each other. Authority came from the Creator and all members of the tribe shared and participated equally in the privileges and responsibilities that it implied. In their dealings with the English Crown Indian representatives always used images of equality like "links in a chain" or "going down the road together" (Youngblood-Henderson, 1979:58). Neither the members of the tribe nor outsiders who studied them found images of hierarchical political authority.<sup>4</sup>

Traditional Indian beliefs and values also clash with the dichotomy that is implied in all European-Western doctrines of sovereignty, of ruler(s) and the ruled (Miller, 1955). Most Indians did not accept that any man or agency has by virtue of any qualities, inherent or transferred, the right to govern men, even in the service of the tribal good. They emphasized neither the ruler(s) nor the ruled. The people ruled collectively as a tribe exercising authority as one body with undivided power, performing all functions of government. The tribe was not held to be the result of a contract among individuals, or between ruler(s) and ruled, but of a divine creation by the Great Spirit. No human being was deemed to have control over the life of another.

Therefore, the authority to rule could not be derived from any man or combination of men nor could it be delegated to a subset of members of the social system. This denial extended even to the notion of transferring the right to govern within certain fixed bounds. Any concept of sovereignty that would separate the people from their fundamental, natural and inalienable right to govern themselves directly was illegitimate.

In place of personal or delegated authority the organizing and regulating force for group order and endeavor was custom and tradition (Miller, 1955). Put another way, Indians invested their customs and traditions with the authority to guide their behaviour. <sup>5</sup> Custom and tradition for them represented the knowledge and experience of time, thus the best blueprint for survival. By implication everyone was subject to custom and tradition, thus everyone was placed under the same impersonal authority. By unreservedly accepting custom and tradition as their legitimate guide in living and working together they alleviated the need for personal authority or a separate ruling entity to maintain order. This model of impersonal authority protected individuals from the exercise of self-serving, capricious, and coercive power by their contemporaries. Furthermore, authority vested in custom and tradition is always limited to those areas of relations for which they exist. They are not readily changed, and new customs and traditions are not quickly created, hence

authority was not easily expanded.

The individual compulsion to behave in conformity to custom (for example, it was not deemed necessary to appoint agents with authority to enforce custom) sprang from a moral sense of obligation not a prudential one.<sup>6</sup> It was a religion-obeying custom that accorded with the generally accepted moral standards of the tribe. In the traditional myths custom had a source and sanction outside the individual and the tribe. It was the handiwork of the Creator, the only power from whom authority could be legitimately derived. Rituals confirmed the customs and traditions by investing them with a spiritual quality whose authority was rooted in a sacred beginning, a founding in the past. Arendt (1958:102-104) has identified a similar concept of order in the Roman image of the pyramid which did not reach up hierarchically, but into the past--a past that was sanctified. Through custom and tradition the testimony of the ancestors, who first had witnessed the sacred founding, was handed down from one generation to the next.

The absence of personal authority, hierarchical relationships, and a separate entity vested with authority to govern, carried profound implications for the exercise of leadership in Indian society. For example, elders played an essential and highly valued function in Indian society by transmitting the Great Spirit's founding prescriptions, customs and traditions for the survival of the nation. But,

they had no authority. The elders merely gave advice, never in the form of a command or coercion. The elders were revered not because of their powers but because of their knowledge of the customs and traditions and because of their ancestral links with the sacred beginning. Chiefs, like elders, also led without authority. Their personality or skills as warrior, hunter and so on would gain them a following, but the chief occupied the same category as the follower--personal domination over others did not exist.<sup>7</sup> Self-direction (autonomy), an aristocratic prerogative in European society, was a supreme value in Indian society.

A model of non authoritarian leadership is contained in Paul-Louis Carrier's "coach-driver" analogy (Simon, 1969:244). In this analogy Carrier proposes that in a liberal state of affairs the government is like a coach-driver, hired and paid by those whom he drives. The coach-driver conveys his patrons but only to the destination and by the route that they choose. To an uninformed outsider the coach-driver may appear to be the real master, but this is an illusion. The model of leadership without authority as traditionally practiced by most Indian tribes is more aptly symbolized by a military drummer. The drummer can establish a cadence but he has no authority to require others to march to his beat. That authority comes from an external source. For Indians the "external source" was custom and tradition. Similarly, the drummer, unlike the coach-driver, also is not subordinate to the dictates of

others, only to custom and tradition.

Government without rulers requires special procedures. The mechanism used in traditional Indian society was direct participatory democracy and rule by consensus.<sup>8</sup> This implies an adequate level of agreement among those who share in the exercise of authority. Custom and tradition provided mechanisms for ensuring that order did not break down through failure to achieve consensus.

#### Statehood and Territoriality

In addition to the concepts of authority, hierarchy and a separate ruling entity, the European-Western doctrines of sovereignty subsumed two other ideas with special implications for Indian claims to sovereignty: the notions of statehood, and territoriality. Merriam (1968:202-3) points out that while an unresolved debate exists amongst scholars as to whether sovereignty is an essential characteristic of the state, all theorists of sovereignty implicitly, if not explicitly, assume that statehood is an essential and indispensable requirement for sovereignty to exist. F.H. Hinsley (1966:16) has asserted that the emergence of the state as a form of rule is by definition a necessary condition for the exercise of sovereignty.

Indian tribes prior to colonization held an independent self-governing status but they claimed "nationhood" not "statehood". In place of the "myth of a state" they had a

"myth of the nation". As nations of people they exercised the power of regulating their internal and external relations. But, essentially unlike states, their foundation of social order was not based on hierarchical authority wielded by some distinct central political authority. Whereas the state represents a structure of command imposed upon the community the tribes, while they were highly organized, had not undergone the separation of the state out of the community. They lacked separate state forms and government institutions. As we said earlier, in tribal Indian society authority and order rested on custom and the directly spoken will of the community.

The concept of territoriality also is fundamental to all European-Western doctrines of sovereignty and statehood. Brierly expresses this as follows:

At the basis of international law lies the notion that a state occupies a definite part of the surface of the earth, within which it normally exercises...jurisdiction over persons and things to the exclusion of other states. When a state exercises an authority of this kind...it is popularly said to have sovereignty over the territory. (Quoted in Werhan, 1978:142)

Although Indian leaders today place great emphasis on land claims and their irrevocable rights to reservation lands, traditionally Indian notions of territoriality were not conceived in terms of precisely fixed political boundaries. Tribes existed as human associations and the basis for nationhood was their community, not a fixed territory. Most

tribes had no concept of private or collective land ownership. They believed all land belonged to the Creator who had made the land for all life forms to live in harmony. This implied certain restraints on tribes in their territorial claims. The lack of precision in territorial delineations between tribes produced conflicts over turf but, even when they were at war over territory, Indian tribes displayed an abiding respect for each other's autonomy and community. Because the notion of territoriality did not have primacy for them Indians historically did not colonize other tribes in the way that European nations did. In short, European-Western doctrines of sovereignty which developed around separate territorial rulership do not fit most traditional Indian notions of territory and nationhood.

#### DISCUSSION

What political path should Indians in Canada follow to their future destiny? In adopting the European-Western concept of state sovereignty can Indians remain true to their traditional values? Or will this doctrine lead them inevitably to adopt the separate, hierarchical, and personal authority structures characteristic of territorially defined statehood? What, of substance, remains of their traditional heritage when such an extensive compromise has been struck? Herein lies a paradox: Indians believe that tribal sovereignty is the only way to avert the destruction of



their ancestral heritage by the encroaching external economic, political and socio-cultural structures; yet, tribal sovereignty implies adopting European-Western concepts and structures of authority which represent a denial of the fundamental values of their ancestral heritage.

In support of their claims to sovereignty and as part of their political-legal strategy for achieving it, Indian leaders not only cite the treaty-making process with European states as evidence that they traditionally had sovereign status, but they are also reconstructing and reinterpreting their history and traditional culture to "fit" the essential political and legal paradigms contained in the European-Western concept of sovereign statehood. These include assertions that Indian societies prior to European contact had highly structured governments exercising power and authority through well-defined institutions and laws, and that they were in possession of territories clearly defined by political boundaries (A Basic Call; 1977, Saskatchewan Federation of Indians 1977). In short, to achieve their political goal of tribal sovereignty Indian leaders are reinterpreting their history and traditional culture to make it conform to the European-Western concept of sovereignty and authority.

The process of adapting to European-Western doctrines of sovereignty and authority is already well underway.

These European-Western doctrines, by constituting part of the Indian social-political strategies, have contributed to the rise and legitimacy of new structures of authority and decision-making under which most Indians are relegated to the periphery of decision-making. Under traditional structures they would be participating in direct consensus-type of decision-making. Evidence of the impact of European-Western expectations and doctrines on the traditional patterns of Indian authority structures can be observed in the shift within most Indian communities to European-Western models of "democratic government" and the associated bureaucratic administrative structures. This shift has already brought into being in most Indian communities an elite cadre of indigenous leaders with a vested interest in maintaining the imported political and bureaucratic administrative structure. Coincident with the shift in support to these new authority structures European-Western ideologies validating the new structures are being adopted.

These changes in social, political and economic organization to central authority and European-Western bureaucratic administrative forms cannot be characterized as evolutionary, rather they are revolutionary. That is, they do not represent a natural development from indigenous principles, instead they constitute a complete rupture with the past. Something imported and imposed on Indians by contingencies and forces that derive from sources and values

outside and alien to their society and culture.

The unqualified claim by Indian leaders that, according to European-Western doctrine, "every tribe is a sovereign state" is an unempirical assertion which has neither logical argument nor historical evidence going for it.<sup>10</sup> It makes selective assumptions about the exercise of authority by tribal groups that contradict the images Indians hold of their traditional aboriginal reality when they are not specifically making a political case for tribal sovereignty. All claims to tribal sovereignty on historical grounds are necessarily hypothetical ones since, historically, the European conception of sovereignty was not in the linguistic apparatus of Indians. Furthermore, as we have documented, it was not relevant to their internal or external relationships. On the other hand, prior to colonization, Indian tribes did operate as independent nations, in their own right--not a derived, delegated or transferred right but one that came into existence with the group itself.

Does the European-Western concept of sovereignty offer the best potential for Indians to build the kind of society to which they aspire? Or is there a more effective socio-political model to be found? Vernon Van Dyke's works (1974; 1975; 1977), in which he proposes that ethnic communities meeting certain criteria should be considered as unities (corporate bodies) with moral rights and legal status accorded them as groups rather than individuals, in

their relations to the state, is suggestive of a socio-political model that Canadian Indians might profitably consider. Van Dyke holds that ethnic communities, not only states, are entitled to be regarded as entities and as right-and-duty bearing units. Traditional European-Western concepts of sovereignty make it clear that citizens act as individuals not as representatives of groups. European philosophers, like Hobbes and Locke emphasized the rights of the individual in his relation to the sovereign state. Western liberal political theorists have continued this emphasis on the relationship between individual and state. Robert Nisbet (1962:224) identifies this as the most influential philosophy of freedom in modern Western society. These philosophies provide no place for groups in the state, only individuals. Van Dyke advocates a more complex paradigm, one that would permit both group and individual rights, legal and moral, to exist side-by-side. The objective is not to downplay equal treatment for individuals but to extend to groups equal rights to preserve their integrity.

This model implies the principle that a nation of people have an intrinsic and unalienable collective right to act as a unit. This principle, as Van Dyke points out, had legitimate status in the League of Nations charter and now enjoys the same status in the United Nations charter, where the moral, if not legal right to self-determination by nations of people is upheld. Although one possible outcome

of the exercise of the right of nations to self-determination is sovereign statehood other arrangements are possible. Van Dyke cites Puerto Rico, which has chosen commonwealth status.

Under the Indian Act and by historical convention Indian tribes in Canada are already deemed to be entitled to group-based status and rights. Van Dyke's notion of nationhood would enhance this status and would provide the opportunity to retain group differences. In particular, it would allow Indian tribes to maintain their own culture and separate identity without becoming sovereign states and all that this implies. Such a model, imbedded as a constitutionally guaranteed principle would allow Indians the freedom they need to build the sort of communities they desire without provoking a full scale power struggle with the Canadian government. The most critical political and legal objections of the Canadian government are directed at Indian claims to European-Western style sovereign statehood. The struggle to achieve sovereign statehood could very well consume the limited resources and energies of the Indian people in an exercise that is doomed to failure might be eliminated. And, in the resulting "backlash" the "nationhood" option might be eliminated.<sup>11</sup> Furthermore, whereas the Indian condition of dependence is a serious constraint on aspirations to sovereign statehood, there is no necessary incompatibility between the current dependent status of Canadian Indians and claims to nationhood.

More important than the advantage of greater political-legal "feasibility" of autonomous nationhood over sovereign statehood is the fact that this socio-political model is compatible with the traditional Indian perception of the tribe as something integral, indivisible, unified, with a shared destiny. Indians traditionally have defined themselves communally (Svenson, 1980) but based on a "spiritual compact" rather than a social contract (Henderson 1979:77).<sup>12</sup> The tribal will constituted a vital spiritual principle which for most tribes found expression in sharing and cooperation rather than competition and private property. Autonomous nationhood, has an advantage over sovereign statehood, in that it would allow Indians to maintain their traditional organic and spiritual unity.

## FOOTNOTES

1

The claim to tribal sovereignty is regularly asserted by Canadian Indian leaders, and is virtually always explicitly stated in the written representations that provincial and national Indian organizations have made to the federal government (see for example Saskatchewan Federation of Indians, 1977, and National Indian Brotherhood, 1979).

The European colonizers' position on Indian sovereignty has been inconsistent and opportunistic (Jennings, 1979; Werhan, 1978:6). Initially, to avoid conflict amongst themselves European powers introduced the doctrine of "discovery", to regulate competition for colonial territory. Subsequently, this doctrine was used as justification for declaring sovereignty over Indians on grounds that they were savages, did not work the land, and had no civil government (Keller et. al., 1938). At the same time, whenever it was expedient, in order to avoid war and the risk of defeat, the British conveniently raised the "fiction" that Indian nations represented sovereign states, by negotiating treaties with them. It is important to note that British claims to sovereignty over Indians were never based on "consent of the people". Even today, although they live in a "representative democracy", so far as Indians in Canada are concerned, the Canadian government does not derive its powers to govern Indians from the consent of the Indian people.

2

Statements about "traditional Indian society" refer to

the period prior to white-influenced change. However, much of the analysis has relevance for contemporary Indian society since many traditional values have persisted even in the face of systematic and coercive measures taken by European colonizers and their successors to eliminate these values.

It is not intended to imply here that native Indians in Canada constitute a single people in any socio-cultural sense. Although there is now emerging a national native cultural-political unity movement there has always existed, and continues to exist, great diversity in language, political styles, cultural heritage, and so on. But, there have also always existed cultural traits and values which have been traditionally shared by Indians from most tribes. Among others the following are values which have been identified as transcending tribal differences (Lurie, 1971: 443-448): reaching decisions by consensus, institutionalized sharing, respect for personal autonomy, and a preference for impersonal controls and behavior.

<sup>3</sup>  
We want to stress here that our discussion of authority, hierarchy and government in traditional Indian society has reference to the basic political culture of most tribes. We are not suggesting that everywhere, without exceptions, Indians behaved precisely according to these traditions. In this same sense, we also find inequalities in societies that are characterized as "egalitarian".

<sup>4</sup>  
It is worth noting that many of the values termed



"enlightenment" values have been found by various students of Native Indian society to be indigenous, in approximate form and in varying degrees, to the cultures of many Native tribes in North America (Hamilton, 1950; MacKenzie, 1896:35; Forbes, 1964; Catlin, 1959; Smith, 1949:13; Josephy, 1968:119). That is to say, these values were not introduced to Indians by way of exposure to Western civilization, as derived from the enlightenment era. Although Indian philosophy has not been formalized and systematized so that a point by point comparison with enlightenment philosophy is feasible, yet certain equivalents are unmistakably present. The ideals contained in the French Revolutionary slogan, "liberte, egalite, and fraternite" correspond closely to the Indian practice of freedom of individual choice and the right to have a say in one's own future and affairs; communal sharing, that is, denial of status differentials; and, rule by consensus. It is a matter of historical record that serious philosophers from Montaigne to Rousseau were influenced by what they understood to be the enlightened state of North American Indians.

5

In European-Western society we have something akin to this notion of authority in what Carl J. Friedrich (1958:54) has called "procedural authority" that is, governed by procedures. Somewhat along this same line, the Americans substituted the impersonal authority of the Constitution for the personal authority of King George III.

6

Custom carries authority of the type that W. J. Rees

(1963:68) calls of a "moral kind", that is, obliged by conscience to obey a rule. This is quite different from law which is a command accompanied by an effective sanction (Merriam, 1968:138). Rule by custom, without a separate agency of enforcement, was possible in traditional Indian society because a face-to-face society can maintain order with few but broad general rules which can be known to everyone. When large gatherings of diverse bands occurred (eg. the Sun Dance) it was customary to temporarily invest one of the Indian "societies" with a peace-keeping capacity.

<sup>7</sup> Most tribes had a multiplicity of chiefs at any one time, each without sanctioning powers beyond oratorical persuasiveness and proven ability. Even in battle a warrior had the option of participating or not, without prejudice (Dorris, 1979:71).

<sup>8</sup> This is possible only in a face-to-face society such as the Indian tribes were. Peter Laslett (1963:158) has observed that in a face-to-face society people tend to know each other. They are always "present" at whatever is going on. Members of such a society, he says, do not need to justify their participation in the group's decision-making in analytical terms.

<sup>9</sup> Laslett characterises this de-emphasis of territoriality as one of the defining characteristics of the political form of a face-to-face society, because politically defined borders are not suited nor capable of giving a sense of political consciousness or identity to the

members of such groups. That is why Indians retained their sense of nationhood even during the forced mass-migrations. They carried their analogue of "sovereignty" on their backs.

10

The claim that Indian tribes existed as "sovereign states" is vulnerable to the argument that if ever they had such a status, they have now suffered a total loss of sovereignty because their paramount legislative authority has been effectively usurped by another state. The claim that they existed as "independent nations" is not as vulnerable to such an argument.

11

Barker (1951:139) asserts that on moral and practical grounds sovereignty cannot exist for a "nation" which is a minority within a state. Because if every national group in the world were assumed to be entitled to sovereign statehood it would threaten the authority of existing sovereign states.

12

Laslett's (1963:167) "onion skin" analogy aptly illustrates the mythical quality of individuality in traditional Indian society. To apprehend the individual in tribal Indian society we would have to peel off a succession of group-oriented and derived attitudes as layers of onion skin. The individual turns out to be a succession of metaphorical layers of social attributes which ends up with nothing remaining.

## REFERENCES

- A Basic Call to Consciousness: The Hau de no sau nee Address to the Western World, 1977. Mohawk Nation N.Y.: Akwesasne Notes.
- Arendt, H., 1958. "What Was Authority?" in C.J. Friedrich, Authority. Cambridge, Mass.: 1958.
- Barker, E. Sir, 1951. Principles of Social and Political Theory. Oxford: Clarendon Press.
- 1960. Essays on Government. Oxford: Clarendon Press (2nd edition).
- Bodin, J., 1583. De la Republique, (Book I, Chapter 8). Paris: Chez Jacques du Puys.
- Brierly, J.L., 1949. The Law of Nations: An Introduction to the International Law of Peace. Oxford: Clarendon Press (4th edition).
- Catlin, G., 1959 in M. Ross (ed.) Episodes From Life Among the Indians and Last Rambles. Norman Oklahoma.
- Dorris, M., 1979. "Twentieth Century Indians: The Return of the Natives" in L. Hall (ed.) Ethnic Autonomy Comparative Dynamics: The American, Europe and The Developing World. New York: Pergamon Press, Inc.
- Easton, D., 1958. "The Perception of Authority and Political Change" in C.J. Friedrich Authority. Cambridge, Mass.: Harvard University Press.
- Forbes, J.D., 1964. The Indians in American Past. Englewood Cliffs: Prentice Hall.
- Friedrich, C.J., 1958. "Authority, Values, and Policy" in Authority, Cambridge, Mass.: Harvard University Press.
- Hamilton, C.E., 1950. Cry of the Thunderbird: The American Indian's Own Story. New York: Macmillan Co.
- Hinsley, F.H., 1966. Sovereignty, London: C.A. Walls.

- Jennings, F., 1979. "Sovereignty in Anglo-American History" in W.R. Swagerty (ed.) Indian Sovereignty: Proceedings of the Second Annual Conference on Problems and Issues Concerning American Indians Today. Chicago: The Newberry Library.
- Josephy, A.M. Jr., 1968. The Indian Heritage of America. New York: Bantam Books.
- Keller, A.S., Lissitzyn, O.J. and Mann, F.J., 1958. Creation of Rights of Sovereignty Through Symbolic Acts 1400-1800. New York: Columbia University Press.
- Laslett, P., 1963. "The Face-to-Face Society" in Philosophy, Politics and Society. Oxford: Basil Blackwell.
- Lurie, N.O., 1971. "The Contemporary American Indian Scene" in E.B. Leacock and N.O. Lurie (eds.) American Indians in Historical Perspective. New York: Random House.
- MacKenzie, J.B., 1896. The Six Nations Indians in Canada. Toronto: The Hunter Rose Co.
- Merriam, C.E. Jr., 1968. History of the Theory of Sovereignty Since Rousseau. A.M.S. Press: New York.
- Miller, W.B., 1955. "Two Concepts of Authority", American Anthropologist, 57, pp. 271-289.
- National Indian Brotherhood, 1979. "Proceedings of the Indian Government Development Conference". Ottawa, Canada (unpublished manuscript, 119 pp.)
- Nisbet, R.A., 1962. Community and Power. New York: Oxford University Press.
- Ortiz, A., 1979. "Summary" in W.R. Swagerty (ed.) Indian Sovereignty: Proceedings of the Second Annual Conference on Problems and Issues Concerning American Indians Today. Chicago: The Newberry Library.
- Rees, W.J. "The Theory of Sovereignty Restated" in Peter Laslett (ed.) Philosophy, Politics and Society.

Oxford: Basil Blackwell.

- Saskatchewan Federation of Indians, 1977. "Indian Nationhood and Indian Government", Saskatchewan, Canada. (Unpublished manuscript 166 pp.).
- Simon, Y.R., 1969. "Sovereignty in Democracy" in W. J. Stankiewicz (ed.) In Defense of Sovereignty. Toronto: Oxford University Press.
- Smith, M.G., 1952. "Historical Notes on Ideological Aspects of the Concept of Culture in Germany and Russia" in A.L. Kroeber and C. Kluckhohn (eds.) Culture: A Critical Review of Concepts and Definitions. Cambridge, Mass.: Peabody Museum Papers 47(3).
- Stankiewicz, W.J., 1969. In Defense of Sovereignty. Toronto: Oxford University Press.
- Svensson, F., 1980. "Liberal Democracy and Group Rights: The Legacy of Individualism and its Impact on American Indian Tribes". Political Studies. XXVII(3), pp. 421-439.
- Van Dyke, V., 1974. "Human Rights and the Rights of Groups". American Journal of Political Science. 18, (November) pp. 725-741.
- 1975. "Justice as Fairness: For Groups?" American Political Science Review. 69(June), pp. 607-614.
- 1977. "The Individual, the State, and Ethnic Communities in Political Theory". World Politics. XXIX, pp. 343-369.
- Werhan, K.M., 1978. "The Sovereignty of Indian Tribes: A Reaffirmation and Strengthening in the 1970's", Notre Dame Lawyer, 54(5), pp. 5-25.
- Youngblood-Henderson, J., 1979. "Comment" in W.R. Swagerty (ed.) Indian Sovereignty: Proceedings of the Second Annual Conference on Problems and Issues Concerning American Indians Today. Chicago: The Newberry Library.