
The White Earth Constitution, Cosmopolitan Nationhood, and the Fruitful Ironies of Relational Sovereignty

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We are nowhere near the “end of history,” but we are still far from free from monopolizing attitudes toward it. These have not been much good in the past [...] and the quicker we teach ourselves to find alternatives, the better and safer.

- Edward Said

As its title suggests, this is an essay about apparent absurdities. It is a hopeful pursuit of contradiction, a straightforward affirmation of irony. Among the scholarly debates it observes is the enduring tension between perspectives that continue to see nationhood as the paramount paradigm of societal orientation and those that emphasize the ascendancy of globalization. This terrain is both well trodden and continually trafficked. In 1966, international relations theorist and frequent U.S. government consultant Hans Morgenthau wrote, “Modern technology has rendered the nation-state obsolete as a principle of political organization; the nation-state is no longer able to perform what is the elementary function of any political organization: to protect the lives of its members and their way of life” (9). While the cold war angst of nuclear destruction would slowly recede across subsequent decades, many scholars would continue sharing Morgenthau’s sense that nation-states were waning in geopolitical importance. In 1990, Eric Hobsbawm speculatively characterized the world of the late twentieth and early twenty-first century as “a world which can no longer be contained within the limits of ‘nations’ and ‘nation-states’ as these used to be defined, either politically, or economically, or culturally, or even linguistically. It will [...] reflect the decline of the old nation-state as an operational entity” (191). A few years later, French diplomat Jean-Marie Guéhenno similarly observed, “Too remote to manage the problems of our daily life, the nation nevertheless remains too constrained to confront the global problems that affect us. Whether it is a question of the traditional functions of sovereignty, like defense or justice, or of economic competences, the nation appears increasingly like a straitjacket, poorly adapted to the growing integration of the world” (12-13). Looking back

at these twentieth-century declarations, Anthony Smith sees the emergence of a “constructionist” critique of nationalism, asserting “that nationalism and nations have fulfilled their functions and are now becoming obsolete in an era of globalization” (92).

The general strain of the constructionist critique endures in the twenty-first century. For Jayantha Dhanapala, “the nation—along with its associated ideology, nationalism—continues to provide a formidable obstacle to constructive international cooperation on an enormous variety of common global problems” (34). Dhanapala suggests not only the nation’s waning relevance in a globalizing world, but that it increasingly stands in the way of desirable development. Despite commitments quite distinct from Dhanapala’s affirmation of globalization, Michael Hardt and Antonio Negri’s book *Empire* makes a conceptually allied argument:

The decline of the nation-state is not simply the result of an ideological position that might be reversed by an act of political will: it is a structural and irreversible process. [...] The declining effectiveness of this structure can be traced clearly through the evolution of a whole series of global juridico-economic bodies, such as GATT, the World Trade Organization, the World Bank, and the IMF. The globalization of production and circulation, supported by this supranational juridical scaffolding, supersedes the effectiveness of national juridical structures. (336)

These networked institutions that regulate legal and material life under globalization orient to and reiterate a logic of power that Hardt and Negri theorize as “Empire” (xii). While it can make use of nations and their structures, “Empire” primarily displaces them.

For many other scholars, however, nationhood and nationalism continue to have prevalence. According to Craig Calhoun, “globalization has not put an end to nationalism—not to nationalist conflicts nor to the role of nationalist categories in organizing ordinary people’s sense of belonging in the world” (171). “Indeed,” Calhoun writes, “much of the contemporary form of globalization is produced and driven by nation-states—at least certain powerful nation-states” (169). In alignment with Calhoun and in stark contrast to Hardt and Negri, Martin Wolf argues that “globalization is not destined, it is chosen. It is a choice made to enhance a nation’s economic well-being” (182). “Integration is a deliberate choice,” Wolf continues, “rather than an ineluctable destiny, it cannot render states impotent. Their potency lies in the choices they make” (183). And in an even more precise departure from Hardt and Negri, Wolf writes, “Institutions

such as the World Trade Organization (WTO), the International Monetary Fund (IMF), the World Bank, the EU, and the North American Free Trade Agreement underpin cooperation among states” (184). And finally, “Global governance will come not at the expense of the state but rather as an expression of the interests that the state embodies. As the source of order and basis of governance, the state will remain in the future as effective, and will be as essential, as it has ever been” (190). While Morgenthau, Hobsbawm, Guéhenno, and Hardt and Negri partake in a shared emphasis on the nation-state’s receding significance, Calhoun and Wolf share the sense that nation-states remain formidable agents within an increasingly unified global market system.

In the 2011 edition of his dynamic and insightfully ambivalent book *Globalization and the Nation State*, Robert Holton synthesizes so many of these and other scholarly perspectives, indicating that “global and national processes often interact and adapt to each other, creating processes that reflect both global and national or local elements” (2) and that “some versions of nationalism are compatible with globalization and cosmopolitanism” (227). Historian and historiographer David W. Noble—a friend and mentor to whom I am deeply indebted—shares with Holton and many others an unwillingness to champion either nationalism or globalism. Noble does, however, contribute to this discussion a unique suggestion that both nationalist and globalist imaginaries are subtle iterations of the same commitment to an aspirational exodus out of the mess of history. In his studies of historians, authors, composers, artists, economists, and scientists, Noble has argued that in recent centuries middle classes on both sides of the Atlantic (most notably Britain, France, and the settler colonies they spawned) have consistently imagined themselves to be building nations that embody the culmination of history. According to Noble, these nations imagined that “their cultures had grown out of their national landscapes, those virgin lands whose naturalness and purity were protected by national political boundaries” (*Death* xxvi). These ostensibly organic nations had achieved the end of history by securing political sovereignty congruent with their respective fatherlands. This achievement thus marked a transcendent exodus from a timeful world of dynamic complexity and tradition into a timeless world of stable simplicity and modernity. The state-oriented concept of nationhood has been imagined by these middle classes as a signal achievement of modernity’s exodus. According to this imagination, the nation-state is the mode of socio-polity situated at the end of history’s arduous march of progress out of culture into nature, out of limits into infinitude.

Yet across recent decades, it has been an important task of transnational studies to disclose the stratifying and violating power undergirding this imagination. Contemporaneously with these efforts an alternative imaginary has gained formidable traction. Many of the inheritors of nation-states have maintained faith in historical progress while revising their understanding of the telos in order to point eagerly toward the unfettered global marketplace as history’s culmination. “Modern nations as sacred spaces had been replaced by the sacred space of the universal marketplace,” Noble writes. “For the middle classes, that marketplace now represents the end of history” (*Death* xxxvii). In his most recent book, Noble continues in this vein, noting that across the twentieth and into the twenty-first centuries, perspectives both within and beyond the academy “replaced the nation with the global marketplace as the end of history. Particular nations did not represent the timeless laws of nature; only the global marketplace expressed those universal patterns” (*Debating* 6). Dominant political and economic discourses and the array of scholarly voices cited above reveal that the frictions and intimacies between state nationalism and globalization remain heated and complex. Noble’s analysis of these sentiments tells us that they are both fantasies with little to offer either the intellectual work of constructing critical histories or the material work of facilitating functional societies. Neither paradigm has the potential to envision and foster a just world. Imagining otherwise and creating cultural, political, and economic relations between and beyond state nationalism and market globalism is therefore crucial.

Among many other possibilities, indigenous writing and intellectual histories serve as important resources for this vital endeavor. When informed by the work of indigenous writers and intellectuals, efforts to reimagine structures and processes of societal affiliation might more effectively foster reconfigured, enhanced, and expanded recognitions of Native sovereignties while also facilitating the deliberation and pursuit of justice in various contexts and on various scales. For the purposes of this essay, I will explore this possibility by focusing first on some of the ways in which Native writing is currently studied within the academy and second on a particularly noteworthy piece of Native writing: the Constitution of the White Earth Nation. What I am suggesting here is that a meta-critical rumination on some of the primary critical approaches to Native literary and intellectual traditions should help reveal for us key contributions that indigenous narratives make to the vital work of imagining ethical modes of polity.

Within the overlapping fields of Native American literary studies and Native intellectual history, recent years have witnessed a cumulative drive to systematically organize major scholars and their work into critical taxonomies. This tendency seems to be due at least in part to academic anxiety in the face of the exponential growth that these fields have enjoyed. In many instances, scholars of Native writing are associated with one of two opposed categories, often termed the “cosmopolitan” and “nationalist” factions.¹ Upon initial consideration, this appears to be a compelling and functional schema: While the cosmopolitan critics emphasize the ways in which Native literatures and intellectual histories resist the legacies of colonialism through the foregrounding of cultural fluidity, adaptation, subversive resistance, and cross-cultural engagement, nationalist critics insist that Native writing remain accountable to specific tribal histories, epistemologies, and sovereignties while also aggressively confronting land dispossession and other colonial injustices. Yet this dichotomy oversimplifies a wide array of available critical approaches while also ignoring the ways in which diverse, dynamic, and mutually illuminating perspectives interact and resonate with one another. As Jace Weaver notes, “the space between nationalism and cosmopolitanism is not as wide as some have contended” (“Turning West” 33). An oppositional taxonomy thus constrains our scholarly capacities to explore the conceptions of polity remembered, imagined, and articulated in Native writing. By better observing and honoring the nuance of critical voices, we can better observe and honor the significant extent to which ethics and affiliations commonly attributed to cosmopolitanism are integral to the forms and processes of Native nationhood. We might thereby account for the national orientations, the cultural and historic specificities, the multivalent adaptability, and the transnationally mediated sensibilities of the community formations narrated within Native writing.

Even a cursory consideration of the most prominent critical figures associated with the cosmopolitan and nationalist tendencies reveals the inadequacy of these categories. Gerald Vizenor is regarded by many (and repudiated by some) as the foremost practitioner of the cosmopolitan approach to Native American Studies. Vizenor’s association with the cosmopolitan critical faction arises in no small part from his affinity for poststructuralist and continental theory, his skepticism toward authenticity, and his celebration of mixed-blood subjectivity. According to Arnold Krupat, “Gerald Vizenor has explored the possibilities of Native cosmopolitanism in his fiction and criticism, celebrating the once pitied, or despised ‘halfbreed’

as the ‘mixedblood’ or ‘crossblood’” (20). Yet it is increasingly clear that Vizenor should be recognized as a noteworthy theorist and advocate of sovereign tribal nationhood. Niigaanwewidam James Sinclair, for example, notes that “Vizenor’s writing is deeply applicable to one of the most important processes happening in Anishinaabeg communities: the redefining, reestablishment, and reassertion of practices and processes necessary for Anishinaabeg notions of nationhood to be reactualized” (128). Citing Sinclair, Lisa Brooks has likewise noted that “through his fiction, Vizenor has long participated in a process of imagining community survivance” (58). Most recently, Jace Weaver has observed that “[a]mong Native Americans, there is no more erudite or cosmopolitan critic than Vizenor. No one is more conversant with critical theory or more adept at deploying it. Yet he is also a nationalist” (“Turning West” 32). This nevertheless understudied trajectory of Vizenor’s work is evident in the deep cultural and linguistic inflections present throughout his writing and also in his enduring and increasingly explicit examination of both orthodox and innovative theories of sovereignty.

In his 1991 novel *The Heirs of Columbus*, for example, Vizenor offers a narrative of the making of a “new tribal nation” explicitly described as “a sovereign nation” (119, 123). In a collection of essays from late in the same decade, he takes up a keen and sustained interest in what he terms the “*sui generis* sovereignty” of tribal nations (*Fugitive* 15). For Vizenor, “natives are neither exiles nor separatists from other nations or territories” (181). “The presence of natives on this continent,” he continues, “is an obvious narrative on sovereignty” (182). Vizenor’s commitment to Native sovereignty--a key hallmark of nationalist criticism--could not be more clear. Of course, Vizenor’s conception of sovereignty here is neither absolutist nor separatist; it is relational. He deliberately emphasizes “the diplomatic narratives of treaties, executive documents, and court decisions that acknowledge the rights and distinctive sovereignty of native communities” (181).

In his book *Native Liberty*, Vizenor’s increasing gravitation toward nationhood is evident in his engagement with various conceptions and critiques of polity and sovereignty in the work of Giorgio Agamben, Stephen Krasner, David Wilkins, Michael Hardt and Antonio Negri, Michel Foucault, John Boli, and T. Alexander Aleinikoff, among others. Through his discussion of these theorists, Vizenor asserts that “sovereignty must be reconceived” and he posits the “distinctive sense of sovereignty” (162) maintained by indigenous peoples as a resource for doing so. “Natives, in the past century,” Vizenor writes, “have articulated, emulated, and

litigated the notion of state sovereignty as independence and autonomy; that minimal view of state or territorial sovereignty, however, has lost significance in the economic globalization of the world” (114). Vizenor thus gestures toward an innovative “visionary sovereignty” (108) that complements and resonates extensively with critical theorist Nancy Fraser’s critiques of the “Westphalian political imaginary, which sharply distinguished ‘domestic’ from ‘international’ space” (*Scales of Justice* 12). According to Fraser, the Westphalian concept of sovereignty “has been challenged from at least three directions: first, by localists and communalists, who seek to locate the scope of concern in subnational units; second, by regionalists and transnationalists, who propose to identify the ‘who’ of justice with larger, though not fully universal, units, such as Europe or Islam; and, third, by globalists and cosmopolitans, who propose to accord equal consideration to all human beings” (“Abnormal Justice” 401). Vizenor’s theoretical and applied narrations of sovereignty synthesize components of each of the interventions observed by Fraser. Of course, Vizenor cannot but also posit a most fruitful and fundamental fourth: the politics of indigeneity.

If Vizenor—who in the early 1990s claimed that “nationalism is the most monotonous simulation of dominance” (*Manifest* 60)—can be reasonably characterized as a writer and intellectual with substantial nationalist inclinations, we might conversely cast Robert Warrior—perhaps the most prominent critic associated with the nationalist critical tendency—as a scholar with a cosmopolitan bent. In 1995 Warrior published his first book, *Tribal Secrets*, which carries the subtitle “Recovering American Indian Intellectual Traditions.” An exploration of American Indian “intellectual sovereignty,” the study marked a watershed moment in what I have come to call the “nationalist turn” in Native Studies. (We might note that this nationalist turn in Native Studies, having emerged in the 1990s and only increasing in momentum through the present, is fully contemporaneous with the “transnational turn” that has come to so enamor much of the humanities and social sciences.) Warrior set about the creative recovery of an American Indian critical tradition that would neither spring from nor be sublimated within intellectual frameworks brought to the American hemisphere by colonization. *Tribal Secrets* has had significant and sustained impact on the field of Native Studies, informing and influencing subsequent books by each of the foremost scholars of the nationalist orientation: Elizabeth Cook-Lynn, Jace Weaver, Craig Womack, and Daniel Justice, among others. In 2006, Warrior joined Weaver and Womack to co-write *American Indian Literary Nationalism*, in which the three jointly sustain the assertion

that “being a nationalist is a legitimate perspective from which to approach Native American literature and criticism” (xx-xxi).

Yet despite this explicit affirmation and avowal of the nationalist critical cause, there are intriguing indications in many of Warrior’s works that suggest cosmopolitan commitments. While as far as I know he has never had a moment of full-on Kantianism like that in which the otherwise vociferously nationalist critic Cook-Lynn suggested “the American Indian voice might [...] stir the human community to a moral view which would encompass all of humanity, not just selected parts of it” (64), Warrior has nevertheless made plain within his contribution to *American Indian Literary Nationalism* that “it is possible to be a critic, a nationalist, a cosmopolitan, and a humanist all at the same time” (192). As Warrior writes in *Tribal Secrets*, “the process of sovereignty, whether in the political or in the intellectual sphere, is not a matter of removing ourselves and our communities from the influences of the world in which we live” (114). It is, instead, a process of dynamic relationality.

To suggest that the prevailing associations of Vizenor with cosmopolitanism and Warrior with nationalism have not adequately accounted for the complexity of their contributions is not to dismiss these categorizations in any comprehensive fashion. Rather, it is to join the chorus of theorists calling into question the general oppositional schema through which cosmopolitanism and nationalism are conventionally counter-defined. In his essay “Cosmopolitan Patriots” Kwame Anthony Appiah proclaims that “the cosmopolitan patriot can entertain the possibility of a world in which everyone is a rooted cosmopolitan, attached to a home of one’s own, with its own cultural particularities, but taking pleasure from the presence of other, different places that are home to other, different people” (618). Bruce Robbins has more explicitly noted that “cosmopolitanism sometimes works together with nationalism rather than in opposition to it” (2). And Paul Rabinow complements Appiah and Robbins with his definition of cosmopolitanism as “an ethos of macro-interdependencies, with an acute consciousness [...] of the inescapabilities and particularities of places” (258). The grounded cosmopolitanism suggested by these and other scholars accounts for particular relations between peoples and their local places while also compelling ethical inter-community interactions of relational sovereignties.

Tim Brennan posits an important and resonant intervention into cosmopolitan discourse, observing its tendency to drift “into an imperial apologetics” (147). Yet Brennan also maintains hope that we might realize “a cosmopolitanism worthy of the name” (309) that would affirm and

defend the “sovereignty of existing and emergent third-world polities [...] in the face of futurist prognoses that they have ceased existing” (316). Brennan’s incisive sense of the cosmopolitan vis-a-vis the national resonates extensively with the ways in which I am understanding the sophisticated critical positions of Vizenor and Warrior. For these and many other indigenous writers and intellectuals, sovereignty is itself an extensively cosmopolitan endeavor. This is radically different than a conception of sovereignty marked by a governmental prerogative to decide the state of exception and to suspend the rule of law in order to uphold a disciplinary legal domain, whether isolationist or imperial. It is instead an acknowledgement that sovereignty is always relational, that it is necessarily and unavoidably rooted in culture, and that it is most operative at the interfaces where recognition and reciprocity reside.

We can witness the presence of a sophisticated and vitally enduring tradition of cosmopolitan nationhood in a multitude of sites, moments, texts, and actions. In Warrior’s discussion of the 1881 Osage Constitution, for example, it becomes clear that late nineteenth-century Osages were concerned not only for their own national interests but also for Kaw rights and aspirations (*The People* 77-78). And well over a century later we can now witness a growing transnational wave of constitutional reform sweeping across Indian Country. This wave is impelled in part by enduring and increasing dissatisfaction with the mode of constitutionalism promoted in the mid twentieth century by the Indian Reorganization Act (IRA). Departing from prior federal policies aimed at assimilation and land dispossession, the IRA encouraged tribes to establish constitutional governance structures based on municipal practices (Wilkins xxii). Willfully ignoring and marginalizing tribal traditions and cultural frameworks, the IRA sought a systematic reorganization of tribal government in order to serve federal purposes. The resultant frameworks, based in many instances on a “Model Constitution” distributed by the U.S. Department of the Interior, have sometimes failed to garner sufficient regard from tribal citizens and have thus contributed to intra-tribal tensions and crises (Cohen *On the Drafting* 173-177). Moreover, the “self-governance” approach promoted by the IRA entrenched paternalistic federal oversight and brought disruptive pressure to bear upon tribes as they crafted their formative governing documents. This intrusive pressure came heavily to bear in the early 1960s as the Minnesota Chippewa Tribe—a confederation of Ojibwe nations including White Earth—updated its IRA-oriented constitution. The current efforts of White Earth to implement their own constitution is driven in part by dissatisfaction with facets of the Minnesota Chippewa Tribe’s

constitution that were manipulated by the federal government (Doerfler “Anishinaabeg Society” 22).

Both as a departure from IRA-style tribal constitutionalism and a foray into community-based indigenous governance, the White Earth Constitution offers a conceptual and material manifestation of Native nationhood that illuminates and is illuminated by the tension-laden debates within Native American Studies regarding nationalism and cosmopolitanism. More importantly, the Constitution also serves as a political instrument necessarily oriented to material functionality in the complex contexts of United States settler-colonial federalism. The White Earth Constitution does not mark a culmination, an end of a developmental history; rather, it marks a transition which entails both the maintenance and transformation of relations—most centrally those within the White Earth Nation and those between the White Earth Anishinaabeg, the confederated Minnesota Chippewa Tribe, and the United States.

Because Vizenor led the team charged with drafting the Constitution, it should not come as a surprise that the document is thoroughly marked by his characteristic literary hand. Creating a national constitution is perhaps the most patently nationalist task a writer can take up. As the principal scribe of a legal instrument through which the Anishinaabe of White Earth “constitute, ordain and establish” themselves as a nation, Vizenor clearly and firmly positions himself as a writer, intellectual, and political actor deeply invested in nationalist discourse and advocacy. Yet this in no way sets aside his pronouncements and positions that diverge from nationalism. Indeed, as both a narration of nationhood and a framework for its practice, the constitution is both necessarily and emphatically cosmopolitan. It reimagines nationhood in ways that resonate with, enhance, and challenge the increasingly sophisticated discourses regarding nationhood, cosmopolitanism, settler colonialism, and constituency currently at the core of Native Studies.

Of course, the Constitution of the White Earth Nation is not a solitary work of literary craft. It is born of a collaborative process detailed in the book *The White Earth Nation: Ratification of a Native Democratic Constitution* and in James Mackay’s interview with Vizenor. Through debates, dialogs, collaborations, and constitutional conventions, the Constitution bears the voices of numerous White Earth Anishinaabeg. Each article and revision was subject to a dedicated convention procedural vote, and the final version of the Constitution was ratified by a two-thirds supermajority at the final convention in April 2009. In November 2013 the Constitution was affirmed by eighty percent of voting White Earth band members and thereby

adopted. According to Vizenor, “The Constitution of the White Earth Nation was inspired by native reason, narratives of survivance and cultural traditions, totemic associations, cosmopolitan encounters, and modern democratic constitutions, and was ratified by Native delegates with a determined sense of Native presence, of resistance, and survivance over absence and victimry” (“Constitutional Consent” 15). These terms, familiar to most readers of Vizenor, here find perhaps their most practically-oriented application.

Even with an inherent and necessary Anishinaabeg-centric orientation, it remains important to recognize that the White Earth Constitution also must assert itself in relation to the fraught and ironic terrain of settler federalism where political and legal authority is divided between federal, state, and tribal governments. Vizenor has noted that “the Constitution of the White Earth Nation is neither similar to nor commensurate with the federal executive structures of governance” (“Constitutional Consent” 16). Despite this dissimilarity and incommensurability, the Constitution necessarily positions itself amid the complex overlapping sovereignties of United States federalism. While the White Earth Nation is not appealing to the United States for a permissive right to collective indigenous political existence (something of a distinction from the Minnesota Chippewa Tribe Constitution which situates itself as a “privilege granted the Indians by the United States under existing law”), the White Earth Constitution does affirm the shared political and legal intimacies most centrally rooted in the 1867 treaty between the U.S. and the Chippewa of the Mississippi, an ongoing diplomatic relationship through which these Anishinaabeg have made (under intense pressures) a sovereign investment in United States federalism. Acknowledging that treaty-making involved “coercion, deception, misunderstanding, [and] fatalism” and observing that “the hundreds of treaties made between Indians and Americans during the nineteenth century were a mixed bag on every level,” Scott Richard Lyons also asserts that “Natives understood what was at stake in their treaties” and in affirming them “signified agency and consent—yes, limited on both counts” (127). White Earth’s conflicted yet committed sovereign investment in treaty federalism was and is cosmopolitan in character. American Indian sovereignty can be understood as both inherent and federated, even while extra-constitutional. Tribes are, as David Wilkins and Tsianina Lomawaima have noted, the “senior sovereigns” of this continent (249). Vizenor has likewise written that “Native liberty, natural reason, and survivance are concepts that originate in narratives, not in the mandates of monarchies, papacies, severe traditions, or federal policies” (“Constitutional Consent” 11). It is a

fundamental doctrine of Indian law in the United States that the settler government does not create, gift, or delegate governing authority to tribes. Sovereign power inheres in tribes, arising as it does from deep histories of human and institutional interaction that predate and endure under colonialism. This authority is acknowledged, not established, by the United States in statute, case law, and diplomatic accords. In his fundamental treatise on federal Indian law, Felix Cohen writes:

Perhaps the most basic principles of all Indian law supported by a host of decisions [...] is the principle that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished. Each Indian tribe begins its relationship with the Federal Government as a sovereign power, recognized as such in treaty and legislation. The powers of sovereignty have been limited from time to time by special treaties and laws designed to take from the Indian tribes control of matters which, in the judgment of Congress, then, must be examined to determine the limitations of tribal sovereignty rather than to determine its sources or its positive content. What is not expressly limited remains within the domain of tribal sovereignty. (*Handbook* 122)

As Cohen’s realist account indicates, a correlating doctrine of federal Indian law holds that Congress has the power to diminish unilaterally the sovereignty of tribes. American Indian nations thus currently enjoy and are subject to federal recognition and containment of their nevertheless resilient inherent sovereignty.

Through the variously diplomatic and exploitative relations shared by Native nations and the United States, both are currently compromised sovereigns. Sovereignty is always relational, never absolute. Sovereign polities necessarily have the capacity to manage intra- and inter-political relationships. This sine qua non of sovereignty entails compromise. This includes the sense of weakness, marked by regret and disappointment. As we well know, Native nations in the United States have been severely curtailed and violated in their intertwined political, legal, cultural, economic, and ecological dimensions. While far less consequential, the settler nation state’s commitments to universalizing neoliberalism are frustrated by the endurance of indigenous peoples, polities, claims, and obligations. Tribes and the United States can also be

seen as compromised sovereignties in the sense that they have made mutual co-promises of interdependence. While not existentially crucial to tribes, the treaty and trust obligations associated with Native-settler diplomacies have formative import for Native nations. Treaties did not create tribes, but they did often delineate tribal land bases and establish federal recognition of tribal nations. More starkly, the fragile and partial legitimacy of the United States' jurisdictional claims fundamentally relies upon relations—both historical and contemporary—with Native nations. Without tribally affirmed diplomatic land cessions, there is no such thing as legitimate U.S. territory. “The authority of Indian tribes to enter into treaties with European states and the United States,” writes Phillip M. Kannan, “is a prerequisite to the validity of land title in the United States” (813). While discourses of U.S. and international law continue to assert a legal doctrine of discovery in which the land claims of indigenous peoples are reduced to mere rights of occupancy, David Wilkins and Tsianina Lomawaima argue that a more historically accurate and legally sound conceptualization of this doctrine would and should recognize that it merely grants to certain aspirational settlers a preemptive right against other aspirational settlers (19-63). Wilkins and Lomawaima's preemptive account of the doctrine of discovery emphasizes relations between colonizing polities rather than direct relations between colonizers and Native nations. The legitimate establishment of settler sovereignty therefore requires Native assent.

Within the morass of federated, always-relational, and often-chafing Native and settler sovereignties resides the Constitution of the White Earth Nation. The cosmopolitan nationhood envisioned and formulated within the Constitution is neither determined by, completely liberated from, nor neglectful of settler imperatives. This is evident, for example, in the Constitution's primary articles on citizenship:

Article 1: Citizens of the White Earth Nation shall be descendants of Anishinaabeg families and related by linear descent to enrolled members of the White Earth Reservation and Nation, according to genealogical documents, treaties, and other agreements with the government of the United States.

Article 2: Services and entitlements provided by government agencies to citizens, otherwise designated members of the White Earth Nation, shall be defined according to treaties, trusts, and diplomatic agreements, state and federal laws, rules and regulations, and in policies and procedures established by the government of the White Earth Nation.

The move to lineal descent resonates with Vizenor’s prior warnings against “political reversions to exclusive consciousness” (*Fugitive* 67) and marks a radical—even if not completely unproblematic—distinction from the Minnesota Chippewa Tribe’s blood quantum-based membership criteria to a kinship-based mode of affiliation. While these emergent citizenship criteria depart from the federally generated and encouraged regime of blood quantum, they do not actually depart from relational federalism itself, which clearly remains a formative presence in these articles. Indeed, while the racist logic of blood quantum is not explicitly invoked here in Article 2, that logic remains operative by way of the “laws, rules, and regulations” referenced. Moreover, the move away from blood quantum is itself in certain ironic respects a move on behalf of the maintenance of federated tribal status. Within her contribution to *The White Earth Nation: Ratification of a Native Democratic Constitution*, constitutional writing team member Jill Doerfler notes,

Based on current citizenship requirements, many tribes will have no new citizens in fifty years and even more will face the same fate in a century. Blood quantum is mathematical termination. Once Native nations ‘disappear,’ the U.S. government will finally be free of their treaty and fiscal responsibilities. In an effort to prevent this situation, many tribes are changing citizenship requirements to ensure that their nations will continue in perpetuity. (“A Citizen’s Guide” 83)

Unless Native nations recover and redevelop more inclusive, even cosmopolitan, approaches to defining and cultivating their citizenries, the federated political status of American Indian tribes will dissolve. While blood quantum regulations do not have the direct capacity to vanish cultures or peoples, they do have the actuarial power to disappear federated polities. Despite the distributive and cultural anxieties associated with Native citizenries of lineal descent, the people of White Earth have determined to pursue such a path in order to affirm their kinship customs and in order to ensure their own endurance as a federated Native nation.²

A commitment to the relational sovereignty of federalism also explicitly arises in Article 10 of the Constitution’s chapter on “Rights and Duties”: “The People shall have the right to possess firearms except for convicted felons in accordance with state and federal laws.” This article recognizes the tenuous ecology of gun control within United States federalism and also makes a tacit gesture toward Public Law 83-280, which authorizes state criminal jurisdiction on the White Earth Reservation (among many others). Article 17 of the same chapter also situates

the White Earth Nation in relation to United States federalism while still asserting inherent Native sovereignty:

The Constitution of the White Earth Nation is inspired by inherent and traditional sovereignty, and contains, embodies, and promotes the rights and provisions provided in the articles and amendments of the Indian Civil Rights Act of 1968, and the United States Constitution.

This article conveys the White Earth Constitution's most assertive affirmation of the federated dimension of tribal sovereignty. Yet it does so, of course, in the context of an explicitly emphasized and prioritized inherent tribal sovereignty. In his essay on the Constitution David Carlson notes this complex, observing that the document seeks "to integrate aspects of Western law (certain forms of rights consciousness, for example) into the realm of *mino-bimaadiziwin*, to redefine Anishinaabeg legal and political identity, dialectically, in a way that speaks to the realities and contingencies of the present moment" (36).

The relational and cosmopolitan orientation of Native nationhood within the Constitution is not at all limited to its federalist gestures. The preamble, which reads as follows, conveys the far-reaching yet intimately local scope of White Earth nationhood:

The Anishinaabeg of the White Earth Nation are the successors of a great tradition of continental liberty, a native constitution of families, totemic associations. The Anishinaabeg create stories of natural reason, of courage, loyalty, humor, spiritual inspiration, survivance, reciprocal altruism, and native cultural sovereignty.

We the Anishinaabeg of the White Earth Nation in order to secure an inherent and essential sovereignty, to promote traditions of liberty, justice, and peace, and reserve common resources, and to ensure the inalienable rights of native governance for our posterity, do constitute, ordain and establish this Constitution of the White Earth Nation.

Reflecting both the Constitutions of the United States and of Japan, this preamble also conveys its immersion in Anishinaabe culture, history, and kinship. Within the White Earth Constitution's first sentence, the Anishinaabe of the White Earth Nation define themselves in relation to their tradition of spatial liberty. The document enshrines movement across the place of North America as a central attribute and practice of White Earth nationhood. Because this liberty is continental

in scope and range, we know right away that this tradition of movement—which includes the Anishinaabeg migration to the places where food grows on water—brings the White Earth Nation and its citizens into transnational realms and discourses. Furthermore, the preamble goes on to suggest that many of these interactions are informed by and become themselves stories of “survivance” and “reciprocal altruism.” As Vizenor has written elsewhere, interdependence is “an honorable mandate of sovereignty” (*Manifest* 147). And as Niigaanwewidam James Sinclair explains, “The migration path teaches Anishinaabeg that motion is the way geographical, social, and spiritual relationships have been forged, maintained, grown, and fortified. And while the Anishinaabeg nation's borders, citizens, and cultures have shifted and moved as others were met and warred with, and knowledge was traded, the nation as a whole has continued” (147). In order to reiterate and explain its emphasis on diplomatic interaction, the version of the Constitution published upon convention ratification included a supplemental glossary explaining that “reciprocal is to share a mutual obligation, and altruistic is to be unselfish, benevolent, and compassionate.” That a national constitution gives voice to relational responsibilities and cosmopolitan commitments indicates the extent to which its mode of nationhood is mediated by transnational interactions. As Warrior explains, indigenous nationhood “is born out of native transnationalism, the exchange of ideas and politics across our respective nations’ borders” (“Native American Scholarship” 125).

Both in relation to and well outside of the federated contours of White Earth nationhood, these Anishinaabeg are reconstituting themselves as transnational citizens, navigating a cosmopolitan constellation of national affiliations, obligations, and liabilities. One of the pragmatic ways the Constitution accounts for this constellation is through the establishment of legislative representation for off-reservation citizens. Such an arrangement affirms the extra-reservation scope of White Earth nationhood and the overlapping citizenships of its members. In Vizenor’s book *Fugitive Poses*, something like this constellation of affiliations and responsibilities is given articulation through the term “transmotion.” He writes, “transmotion is personal, reciprocal, the source of survivance, [...] an original natural union in the stories of emergence and migration that relate humans to an environment” (182-183). And he continues, “Clearly, the notions of native sovereignty must embrace more than mere reservation territory” (190). The active presence of transmotion within the Constitution of the White Earth Nation underscores its grounded cosmopolitanism that accounts for particular relations between peoples

and their local places while also enjoining the ethical inter-community interactions of relational sovereignties. An embrace of “more than mere reservation territory” is not an abandonment thereof. In the same ink strokes in which the Constitution’s preamble asserts its cosmopolitan breadth, it also posits straightforward nationalist pronouncements and aspirations. These include claiming and securing the Nation’s essential sovereignty, preserving its resources as National commons, and asserting a perpetual right of self-determination. The Constitution of the White Earth Nation thus synthesizes and materializes many of the most sophisticated scholarly insights on offer from various corners of Native Studies. By uniting theoretical sophistication and practical functionality, the Constitution puts forth a cosmopolitan decree of Native nationhood that challenges us to reconsider the conceptual and practical oppositions prevalent in political and critical thought and action, and it suggests that—in accord with Kwame Appiah, Bruce Robbins, Paul Rabinow, and Tim Brennan—grounded and materially relevant cosmopolitanism may very well be a central practice of beneficent nationhood.

David Noble’s broad view of historiography and intellectual traditions reveals that the twin conceits of an ostensibly transcendent modernity—liberal nation-states and market neoliberalism—have little to offer to communities of people hoping to dynamically sustain themselves and their relations. The lack of beneficial capacity brought by liberal nation-states and market globalism makes necessary the pursuit of alternative modes of polity and economy. History has not been resolved, nor shall it be. Rather, we find ourselves—like all generations before and after—learning how (and how not) to take better care within both space and time. In part, this necessitates acknowledging, responding to, and learning from the complex claims, aspirations, and political status of indigenous peoples. As Felix Cohen famously observed, “Like the miner’s canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere” (“Erosion” 390). Even while inconsistently and often in spite of themselves, federated and international systems of law do provide venues and opportunities for the articulation and hearing of indigenous concerns and ambitions that are not so easily absorbed by unitary nation-states or accommodated by neoliberalism. Not only do these concerns and ambitions illuminate the inadequacy of those dominant structures, they also gesture toward alternative trans/national possibilities.

As narrated in the White Earth Nation’s constitutive political instrument, a Native nation is transforming itself in relation to the struggles and opportunities it encounters. In doing so it

has a great deal to teach us about how communities might live in relation to one another as we continually identify and strive for justice on a wide range of scales. We do so not in pursuit of some bliss that awaits at some end of history, but rather to remember and to imagine otherwise.

Notes

¹ Other terms for the cosmopolitan tendency include “dialogic,” “cross-culturalist,” “constructivist,” and “hybridist”; the nationalist tendency has been variously referred to as “sovereigntist,” “tribally centered,” “indigenist,” “materialist,” and “separatist.” I first worked with nascent considerations of some of the meta-critical concerns of this essay in a 2007 article published in *Studies in American Indian Literatures*. Appleford, Brooks et al., Christie, Krupat, and Weaver (“Turning West”) have also characterized and considered these critical tendencies.

² Scholars addressing (among many other things) anxieties associated with determining Native citizenship include Barker, Dennison, Garrouette, Harmon, Lyons, Russell, Spruhan, Sturm, TallBear and (in Canadian First Nations contexts) Palmater.

Works Cited

- Appiah, Kwame Anthony. “Cosmopolitan Patriots.” *Critical Inquiry* 23.3 (1997): 617-639. Print.
- Appleford, Rob. “A Response to Sam McKegney’s ‘Strategies for Ethical Engagement: An Open Letter Concerning Non-Native Scholars of Native Literatures.’” *Studies in American Indian Literatures* 21.3 (2009): 58–65. Print.
- Barker, Joanne. *Native Acts: Law, Recognition, and Cultural Authenticity*. Durham, NC: Duke University Press, 2011. Print.
- Bauerkemper, Joseph. “Narrating Nationhood: Indian Time and Ideologies of Progress.” *Studies in American Indian Literatures* 19.4 (2007): 27-53. Print.
- Brennan, Timothy. *At Home in the World: Cosmopolitanism Now*. Cambridge, MA: Harvard University Press, 1997. Print.
- Brooks, Lisa. “The Constitution of the White Earth Nation: A New Innovation in a Longstanding Indigenous Literary Tradition.” *Studies in American Indian Literatures* 23.4 (2011): 48-76. Print.
- Brooks, Lisa, Michael Elliott, Arnold Krupat, Elvira Pulitano, and Craig Womack. “Cosmopolitanism and Nationalism in Native American Literature: A Panel Discussion.” *Southern Spaces*. 21 June 2011. Web 08 August 2011.
- Calhoun, Craig. *Nations Matter: Culture, History, and the Cosmopolitan Dream*. New York: Routledge, 2007. Print.

-
- Carlson, David J. "Trickster Hermeneutics and the Postindian Reader: Gerald Vizenor's Constitutional Praxis." *Studies in American Indian Literatures* 23.4 (2011): 13-47. Print.
- Christie, Stuart. *Plural Sovereignties and Contemporary Indigenous Literature*. New York: Palgrave Macmillan, 2009. Print.
- Cohen, Felix. "The Erosion of Indian Rights, 1950-1953: A Case Study in Bureaucracy." *Yale Law Journal* 62 (1953): 348-390. Print.
- . *Handbook of Federal Indian Law*. Washington, D.C.: U.S. Department of the Interior, 1942. Print.
- . *On the Drafting of Tribal Constitutions*. Ed. David E. Wilkins. Norman: University of Oklahoma Press, 2006. Print.
- "Constitution of the White Earth Nation." *Anishinaabeg Today* [White Earth, MN] September 2 2009, Special Section 1-4. Web September 25 2009.
- Cook-Lynn, Elizabeth. *Why I Can't Read Wallace Stegner and Other Essays*. Madison: University of Wisconsin Press, 1996. Print.
- Dennison, Jean. *Colonial Entanglement: Constituting a Twenty-First-Century Osage Nation*. Chapel Hill: University of North Carolina Press, 2012. Print.
- Dhanapala, Jayantha. "Globalization and the Nation-State." *Colorado Journal of International Environmental Law and Policy* 13.1 (2002): 29-38. Print.
- Doerfler, Jill. "A Citizen's Guide to the White Earth Constitution: Highlights and Reflections." *The White Earth Nation: Ratification of a Native Democratic Constitution*. By Gerald Vizenor and Jill Doerfler. Introduction by David E. Wilkins. Lincoln: University of Nebraska Press, 2012. 81-94. Print.
- . "Anishinaabeg Society 100 Years from Now." *Anishinaabeg Today* [White Earth, MN] 7 October 2009, 4+. Print.
- Fraser, Nancy. "Abnormal Justice." *Critical Inquiry* 34 (2008): 393-422. Print.
- . *Scales of Justice: Reimagining Political Space in a Globalizing World*. New York: Columbia University Press, 2009. Print.
- Garrouette, Eva Marie. *Real Indians: Identity and the Survival of Native America*. Berkeley: University of California Press, 2003. Print.
- Gu henno, Jean-Marie. *The End of the Nation-State*. Trans. Victoria Elliott. Minneapolis: University of Minnesota Press, 1995. Print.

-
- Hardt, Michael and Antonio Negri. *Empire*. Cambridge, MA: Harvard University Press, 2000. Print.
- Harmon, Alexandra. “Tribal Enrollment Councils: Lessons on Law and Indian Identity.” *Western Historical Quarterly* 32.2 (2001): 175-200. Print.
- Hobsbawm, E.J. *Nations and Nationalism since 1780: Programme, Myth, Reality*. Cambridge, UK: Cambridge University Press, 1990. Print.
- Holton, Robert J. *Globalization and the Nation State*. 2nd ed. New York: Palgrave Macmillan, 2011. Print.
- Justice, Daniel Heath. *Our Fire Survives The Storm: A Cherokee Literary History*. Minneapolis: University of Minnesota Press, 2006. Print.
- Kannan, Phillip M. “Reinstating Treaty-Making with Native American Tribes.” *William & Mary Bill of Rights Journal* 16.3 (2008): 809-837. Print.
- Krupat, Arnold. *Red Matters: Native American Studies*. Philadelphia: University of Pennsylvania Press, 2002. Print.
- Lyons, Scott Richard. *X-Marks: Native Signatures of Assent*. Minneapolis: University of Minnesota Press, 2010. Print.
- Morgenthau, Hans J. “Introduction.” *A Working Peace System*. 1943. By David Mitrany. Chicago: Quadrangle Books, 1966. Print.
- Noble, David W. *Death of a Nation: American Culture and the End of Exceptionalism*. Minneapolis: University of Minnesota Press, 2002. Print.
- . *Debating the End of History: The Marketplace, Utopia, and the Fragmentation of Intellectual Life*. Minneapolis: University of Minnesota Press, 2012. Print.
- Palmater, Pamela D. *Beyond Blood: Rethinking Indigenous Identity*. Saskatoon: Purich Publishing, 2011. Print.
- Rabinow, Paul. “Representations Are Social Facts: Modernity and Post-Modernity in Anthropology.” *Writing Culture: The Poetics and Politics of Ethnography*. Ed. James Clifford and George E. Marcus. Berkeley: University of California Press, 1986. 234-261. Print.
- “Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, Minnesota.” 1963. Web 26 January 2014.

-
- Robbins, Bruce. "Introduction Part I: Actually Existing Cosmopolitanism." *Cosmopolitics: Thinking and Feeling Beyond the Nation*. Pheng Cheah and Bruce Robbins, eds. Minneapolis: University of Minnesota Press, 1998. Print.
- Russell, Steve. *Sequoyah Rising: Problems in Post-Colonial Tribal Governance*. Durham, NC: Carolina Academic Press, 2010. Print.
- Said, Edward W. *Culture and Imperialism*. New York: Alfred A. Knopf, 1993. Print.
- Sinclair, Niigonwedom [Niigaanwewidam] James. "A Sovereignty of Transmotion: Imagination and the 'Real,' Gerald Vizenor, and Native Literary Nationalism." *Stories Through Theories/ Theories Through Stories: North American Indian Writing, Storytelling, and Critique*. Ed. Gordon D. Henry Jr., Nieves Pascual Soler, and Silvia Martínez-Falquina. East Lansing: Michigan State University Press, 2009. 123-158. Print.
- Smith, Anthony D. *Nationalism*. Cambridge, UK: Polity, 2001. Print.
- Spruhan, Paul. "A Legal History of Blood Quantum in Federal Indian Law to 1935." *South Dakota Law Review* 51.1 (2006): 1-50. Print.
- Sturm, Circe Dawn. *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma*. Berkeley: University of California Press, 2002. Print.
- TallBear, Kim. *Native American DNA: Tribal Belonging and the False Promise of Genetic Science*. Minneapolis: University of Minnesota Press, 2013. Print.
- Vizenor, Gerald. "Constitutional Consent: Native Traditions and Parchment Rights." *The White Earth Nation: Ratification of a Native Democratic Constitution*. By Gerald Vizenor and Jill Doerfler. Introduction by David E. Wilkins. Lincoln: University of Nebraska Press, 2012. 9-62. Print.
- . *Fugitive Poses: Native American Indian Scenes of Absence and Presence*. Lincoln: University of Nebraska Press, 1998. Print.
- . *The Heirs of Columbus*. Middletown, CT: Wesleyan University Press, 1991. Print.
- . *Manifest Manners: Narratives on Postindian Survivance*. 1993. Lincoln: University of Nebraska Press, 1999. Print.
- . *Native Liberty: Natural Reason and Cultural Survivance*. Lincoln: University of Nebraska Press, 2009. Print.
- Vizenor, Gerald and James Mackay. "Constitutional Narratives: A Conversation with Gerald Vizenor." *Centering Anishinaabeg Studies*. Ed. Jill Doerfler, Niigaanwewidam James

-
- Sinclair, and Heidi Kiiwetinepinesiik Stark. East Lansing: Michigan State University Press, 2013. 133-148. Print.
- Warrior, Robert. “Native American Scholarship and the Transnational Turn.” *Cultural Studies Review* 15.2 (2009): 119-130. Print.
- . *The People and the Word: Reading Native Nonfiction*. Minneapolis: University of Minnesota Press, 2005. Print.
- . *Tribal Secrets: Recovering American Indian Intellectual Traditions*. Minneapolis: University of Minnesota Press, 1995. Print.
- Weaver, Jace. *That the People Might Live: Native American Literatures and Native American Community*. Oxford: Oxford University Press, 1997. Print.
- . “Turning West: Cosmopolitanism and American Indian Literary Nationalism.” *The Native American Renaissance: Literary Imagination and Achievement*. Ed. Alan R. Velie and A. Robert Lee. Norman, University of Oklahoma Press, 2013. 16-38. Print.
- Weaver, Jace, Craig S. Womack, and Robert Warrior. *American Indian Literary Nationalism*. Albuquerque: University of New Mexico Press, 2006. Print.
- Wilkins, David E. “Introduction.” *On the Drafting of Tribal Constitutions*. By Felix S. Cohen. Ed. David E. Wilkins. Norman: University of Oklahoma Press, 2006. Print.
- Wilkins, David E. and K. Tsianina Lomawaima. *Uneven Ground: American Indian Sovereignty and Federal Law*. Normal: University of Oklahoma Press, 2001. Print.
- Womack, Craig S. *Red on Red: Native American Literary Separatism*. Minneapolis: University of Minnesota Press, 1999. Print.