GUIDED BY THE MOUNTAINS: EXPLORING THE EFFICACY OF
TRADITIONAL AND CONTEMPORARY DINÉ GOVERNANCE

by

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A Dissertation Submitted to the Faculty of the

GRADUATE INTERDISCIPLINARY PROGRAM IN AMERICAN
INDIAN STUDIES

In Partial Fulfillment of the Requirements

For the Degree of

DOCTOR OF PHILOSOPHY

In the Graduate College

THE UNIVERSITY OF ARIZONA

2010

THE UNIVERSITY OF ARIZONA
GRADUATE COLLEGE

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ACKNOWLEDGMENTS

"Acknowledgment" seems inadequate. Yet I am recognizing the hard work and dedication of others toward my own endeavors. I must recognize the contribution of my grandparents Mary and Fred Morales. Grandpa put tools in my hand. Grandma put knowledge in my mind. They both still do the same today. And to my mother, Linda, who endured phone calls at all hours helping me to better understand the reality I inherited.

I gratefully acknowledge the support of the Navajo community. Dr. Manley A. Begay Jr. graciously introduced me to the Navajo community. I hope I can live up to his expectations. Equally fundamental is the Honorable Robert Yazzie. His ability to bring me back to earth when I had been floating in abstraction was necessary for completing this work. I have gratitude for Mr. Avery Denny for communicating with me about many facets of Navajo philosophy. I thank both Mr. Yazzie and Mr. Denny for allowing our voices to work together toward our common goals.

To Dr. Tom Holm, my first American Indian Studies Professor. His support is enumerable in terms of his research and in terms of his willingness to discuss the ins and outs of his thoughts. To Franci Washburn for her enthusiasm in the face of what seemed like insurmountable obstacles. Her optimism, humor, and demeanor are to be treasured if not envied. To Ben Colombi for strategizing with me on my career options.

I also wish to acknowledge the contributions of William Dixon, Susan Dovi, John Garcia, Gary Goertz, Kristen Kanthak, Spike Peterson, Charles Ragin, and Tom Volgi. Also to Brad Jones for believing in me. A special thanks to Charles Ragin for teaching me about research design. I also wish to acknowledge the guidance of Jenni Joe, Robert Hershey, Robert Williams, Tsianina Lomawaima, Mary Jo Tippieconnic Fox, Stacey Oberly, and Herman Cody. I also acknowledge the support of my colleagues past and present: Waylon Begay, Jennifer Byrne, Keith Grant, Sal Peralta, Claude Rubinson, Billy Stratton and Eddie Welch. I collectively acknowledge Diné Policy Institute and Amber Crotty, Miranda Manheimer, Beto Vicente, and Yolanda Yazzie. To Charles Sepulveda for venturing into grad school with me. To Sherwin Bitsui for reading drafts and finding errors. You all have contributed to my thought processes in class, in conversation, or in reading my work.

A special note of gratitude to Dr. Maria Teresa Velez for believing in me and supporting my work. I thank the Helen Roberti Scholarship foundation. I am especially grateful to the Marshall Foundation for their support during my dissertation writing stage.

All of the above is not possible without my family. To Anna, my wife, I cannot begin to repay you for your sacrifices that may have seemed empty many times. I will never be able to pay the debt. To Michelle, my first born, for being here. In many ways you were the tipping point for me to take action since, without you, I may not have bothered. To Elizabeth for showing me that I need a sensitive side. To Diana for showing me that there does still exist a need for an aggressive approach to problems. And to Michael for showing me how rhythm and harmony still matter in a world of chaos and interruption. Each of you have climbed upon my back (literally) as I sat at a computer typing away through the years. Some say, inaccurately, that I have succeeded in spite of you all. The reality is, in spite of myself, I have you all as my greatest successes. Now lets all get to work!

DEDICATION

For Yahuaca and the seemingly cyclical process of being dragged south from the east only to move west so that I could go northeast and complete the circle.

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ABSTRACT

This research looks at Diné governance with an eye towards forecasting reform. Traditional governance is not yet a foundation for future changes to current governance with little justification for the omission. The following research questions will be answered: What do traditional Diné institutions of governance offer to our understanding of the contemporary challenges faced by the Navajo Nation today and tomorrow?

The research is part history, and part political science while pioneering applications of cutting edge research methods. Primary and secondary research will detail where Navajo Nation has been. Diné history is explored via creation stories, the Naachid systems, the 1920's business councils, the Navajo Tribal Council to the current Navajo Nation Council. Unclear aspects of Diné history are illuminated when possible by relying on oral accounts from Diné governance philosophers. Contemporary Diné governance analysis pinpoints what is missing in governance today. Analysis also questions whether looking to the past alone will help make governance work better tomorrow. Sometimes adopting traditional Diné governance institutions is not feasible, not wanted, or not possible. New methodological territory offers insight when the past and the future do not work well together.

The concept building method is utilized as a way of mitigating the loss that occurs when English words fail to capture the essence of Diné Bizaad or Navajo language. Concepts organic to Navajo culture such as Naachid, Naat'áanii, War Naat'áanii, Peace Naat'áanii, etc, are turned to for assistance in dealing with contemporary issues. Navajo concepts are represented in three-level-view depictions. Three-level-view expressions require that concepts be observed on three-levels. Level one is the name. Under the name

level are the set of necessary and sufficient conditions which must be present or you do not have an actual concept. Under each of the conditions are the data/observations which must be present in order to verify that the condition is present. Concept building displays where Navajo Nation has been in order to better understand where Navajo Nation needs to go. The visual presentation of traditional concepts of Diné governance makes them more understandable. Interestingly, when the same concept building method is applied to post 1923 Diné governance, the true motives of the United States (here after U.S.) become painfully clear. As a result, a clearer path is presented toward incorporating chapter house government into national government. Developing contemporary concepts of Navajo governance based on traditional teachings equips us to deal with contemporary issues.

CHAPTER I. DZIŁ ŁEEZH – ENTER, EXIT, RETURN HOME

Sometimes the best solution to a problem has been staring us in the face all along. Philosophy of Navajo or Diné governance is imbedded within Dził Łeezh.[i] One might superficially understand Dził Łeezh as a bundle of abilities vested within the Four Sacred Mountains. Dził Łeezh can be carried and cared for by humans with the ability to lead. The characteristics needed for leadership have gone through a trial and error phase during pre-contact Diné history. Several episodes of leadership were attempted by various animals long ago. Each of these attempts by the animals, at leadership, failed to yield an appropriate approach to governance, (Benally 2006 1-40). To correct the failures of the past, the Four Sacred Mountains were given to the Diné as a foundation for leadership.

Within each mountain are certain attributes for leadership. These attributes are also within Dził Łeezh. The attributes are necessary for future leaders to possess or they will fail in their leadership duties, (Denny 2010).[ii] It is within the traditional Diné home, or hooghan, that one can also find tools to govern. The hooghan is a scaled down model of the Sacred Mountains. There are many stories about leadership and the hooghan. The scope of this dissertation limits our attention to very few portions of these stories. In short, the stories are expressed here superficially. Still, the stories form the basis for Diné philosophy of leadership. Some state that contemporary Diné government officials no longer consider such foundation for leadership legitimate or relevant to contemporary issues (Denny 2010). Relevancy and legitimacy questions are an aside. The role of Diné philosophy does have an important function today and tomorrow concerning questions of government and politics. To arrive at conclusions involving traditional Diné governance assumes that Diné philosophy can address contemporary problems. What role can

traditional Diné philosophy play in answering the following research questions? What do traditional Diné institutions of governance offer to our understanding of the contemporary challenges faced by the Navajo Nation today and tomorrow? Before addressing the research question, definitions of traditional Diné philosophy are in order. Exploring relationships to pre-contact leadership characteristics define Diné philosophy.

A. Creation and Re-Creation of Four Worlds

What follows is a brief discussion of Diné Creation for the purpose of outlining tenets for governance. One may consider the following work the first attempt to explicitly link Indigenous philosophy to governance. There are Four Worlds that have been navigated by the Diné. Some aspects of Diné existence in time and space are contained in Figure 1.1. Early in the Fourth World, the Four Sacred Mountains were created. The mountains are called Sisnaajiní, Tsoodził, Dook'o'oosłiid, and Dibé Nitsaa. Denny explained how these mountains were given to the Diné by the Holy Ones (Diyin Diné'e) as a foundation for their governance (Denny 2010). Dził Łeezh is contained within each mountain. Each mountain and its inherent Dził Łeezh is necessary for good governance to exist. The next occurrence was the birth of the Hero Twins. Due to the consequences of mistakes made in previous worlds, several monsters were born. The Hero Twins destroyed the various monsters roaming the earth. Seven monsters begged for their lives pleading that they could help human kind in the future. The twins agreed to let hunger, thirst, lice, indolent poverty, sleep, old age, and death live. These monsters lived in order to motivate humans to survive and thrive (Benally 2006 42). The monster slayer event is noted on the event line in Figure 1.1. Next, Changing Woman leaves to the west. She returns and the Four Clans are Re-Created. These Four Clans are instructed to lead

themselves and learn from the mistakes of the past. The Four Clans are instructed to live within the Four Sacred Mountains. Soon after, two more mountains are given to the Diné. They are called Dziłná'oodiłii and Ch'óol'í'í. Dziłná'oodiłii is the doorway. Ch'óol'í'í is the chimney. These Six Sacred Mountains contain the necessary conditions for Domestic and International Relations.

Figure 1.1: Fourth World – White world – important events that are applicable today

?

Changing Woman Leaves

Creation of Four Mountains

Birth of Twins

Monsters are Killed

Recreation of 4 clans

3

2

1

See next diagram for close up

Glittering World – Fifth World – about 70,000 years old

B. Sisnaajiní for International Relations and Dook'o'oosłiid for Domestic Affairs

Figure 1.2 is a visual expression of this dissertation's organization. There has not to date been any other attempt to utilize the gift of The Sacred Mountains as a philosophy for governance. Figure 1.2 is a two dimensional model furnished by Denny as a way to organize the philosophy of Diné governance. The Four Re-Created Clans were instructed to live within the boundaries of The Sacred Mountains. When an individual must leave the hooghan, they must behave based on a cycle of philosophical thought-based ideals contained within Dził Łeezh. Dził Łeezh is contained in each of The Sacred Mountains. Each Mountain has its own cycle or process for governing. All cycles must start with the eastern facing slope. Hence, (as shown in Figure 1.2) each Mountain's eastern facing slope is demarcated with "1" creating a pattern for the Four Re-Created Clans to follow. It is up to the Holy Ones (Diyin Dine'e) to follow the external path which begins with Sisnaajiní. The humans must follow the internal circle beginning with Dook'o'oosłiid. This process will be visited in detail in Chapter Two and relies on Figure 1.3 for explanation. The philosophy inherent in The Sacred Mountains pathway outlines the foundation for what western scholars may call international relations.

Figure 1.2: Simplified Expression of Diné Governance

Sisnaajiní

Ch'óol'í'í

Dziłná'oodiłii

- Ideal Home
- Knowledge
- Ceremonial
- Sodizin Hooghan
- (Nitsahakees)

1
4   2
3

Holy people path
Outside/external

1
4   2
3

Four
recreated
clans path
inner

1
4   2
3

Dibé Nitsaa

Tsoodził

1
4   2
3

- Ideal Child
- First laugh
- First walk –
   hozhóó'ji
   nahagha
- Nahata Hooghan

- Spiritual child
- Spiritual
   development
- Faith, songs,
   prayers
- Sihasin
   Hooghan/tách
   'ééh

1
4   2
3

Dook'o'oosłiid

- Ideal Parent
- Birth
- Husband/Wife
- Iina Hooghan

Figure 1.3, furnished by Denny, explores the necessary conditions for leadership at home or for domestic politics. Dził Łeezh is imbedded within the hooghan. In the hooghan, it is necessary to begin in the east and move clockwise south, west, and north. Diné philosophy introduces Dziłna'oodiłii (the Doorway Mountain) and Ch'óol'í'í (The Chimney Mountain) in the hooghan. Denny explained that a person (male or female) must have a home, a spouse, children, and Dził Łeezh in order to qualify as a leader. Denny was alluding to other facts. As a leader of a home, as a successful manager of the traits inherent in the hooghan, one has proven that he or she can lead beyond the hooghan. Certain facts are inherent in the hooghan. There is necessity to exit the hooghan for sustenance of life within the home. When you exit the hooghan, you turn to guidance from The Sacred Mountains. Collectively, life within the hooghan and life outside the hooghan are templates for leadership within the bounds (and beyond the bounds) of Navajo Nation.

Figure 1.3: Leadership within the Home

Entrance

Entry
from
northwest

Exit
toward
southwest
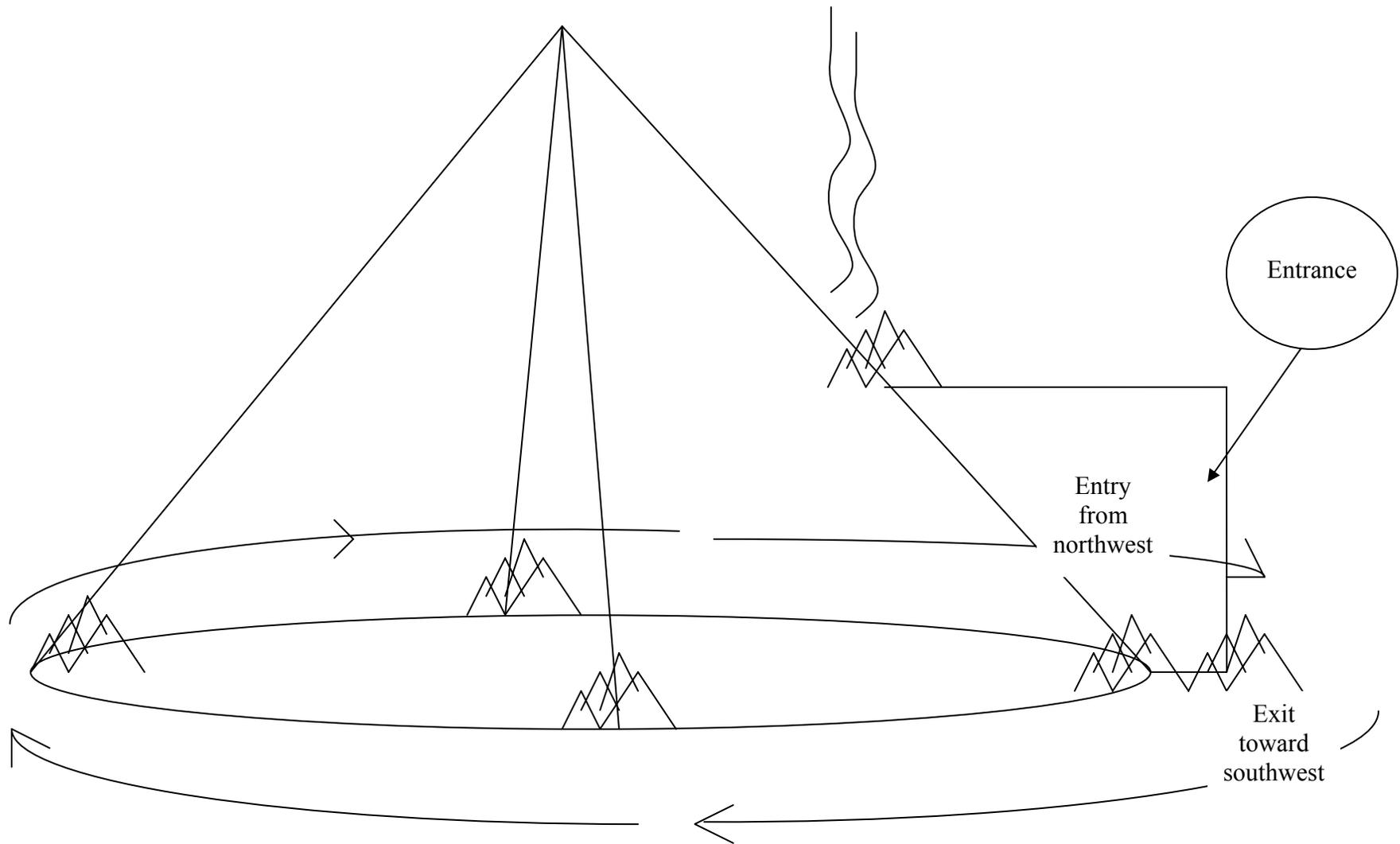
Diné philosophy, therefore, has at least two inherent approaches to governance and leadership. Political scientists might call the two approaches Domestic and International Relations. Domestic politics takes place within the hooghan. International Relations takes place outside of the hoogan. Past research failed to explore the two approaches. Past research overlooks the Domestic politics of the Navajo Nation. Past iterations of Diné philosophy implore, at the very least, two approaches imbedded in Figure 1.2. First, it makes sense and was confirmed by Denny that a process for contemporary International Relations should take the form that the Holy Ones took when dealing with the non-Diné world. Humans should follow the path first followed by the Four Re-Created Clans as they will always be guided by the Holy Ones. Denny points to the pathway followed by the Holy Ones to restore the world after coming to the brink of disaster. If Diné philosophy has restored a balance at least four times in the past, by contrast, the process of restoring balance to governance today should be a very light task by comparison. As. Denny states, however, "we have the solutions that no one wants to hear" (Denny 2010). Denny implies that it may make more sense to deal with the non-Diné world by beginning in the West where Dook'o'słiid faces the East. This is noted in Figure 1.2 in which Dook'o'słiid is labeled with numeral 1. Moving clockwise, it will take the process through Dibé Nitsaa, Sisnaajiní, and Tsoodził. These ideas will be further elaborated upon in Chapter Two. For our purposes, we need to merely understand that Diné philosophy has imbedded within it the necessary conditions for good governance and good politics. For the sake of clarity, lets briefly discuss the definition of politics before going forward.

C. What is Politics?

Why do we all have a different idea of what is politics? The idea of conceptual stretching has had an impact on the definition of politics, (Sartori 1970). Conceptual stretching involves the problem of assigning words in English to the ever expanding duty of representing more and more diverse ideas. Conceptual stretching gives little if any thought to the cross cultural syntax error of slapping English words on non-English ideas such as Navajo politics. In other words, the word 'politics' has come to represent so many different ideas that it is probably unfair to continue using 'politics' without some further explanation. The problem of (and solution to) conceptual stretching will be explored in Chapter Five. The concept building method is used to demonstrate how an alternative to conceptual stretching is necessary for many ideas beyond the definition of politics. For now, it is possible to discuss politics as an abstract and lifeless construction in which objective decisions are made about the distribution of money and power. Without heart or feeling, (and without self interest) it is possible to have a government perform like a computer or robot. When a file is not found, the system may come to a halt. The sentient in us inherently attempts to fill the problem of "file not found" with assumptions as plain as breathing. These assumptions are subjective and are inherent in all philosophies. Inductive reasoning requires philosophy. Deductive reasoning can be mechanical. Politics, for the purposes of this dissertation, means that governing institutions make deductive decisions that can be plain, dry, mechanical, and heartless. Self interest will have no role in politics at an assumption free level. Currently, no system of politics exists as has been described here. In other words, assumption free politics resides in the realm of normative philosophical thought.

So what are the necessary conditions of politics? That depends on one's philosophical agenda. What does one want politics to do? What does the study of politics and political science really do? One will find comparative, theory, international relations, American (domestic), and methods as the five subfields of politics and political science. Comparative is a look at least two nations. Comparativists will typically focus on one nation such as the United States (hereafter the U.S.) Then comparativists will put side by side other nations with the U.S. model. Theory or philosophy studies a vast array of philosophers (most of which are European). Topics are based on individual philosophers including Marx, Locke, Machiavelli and others. Focus in this dissertation is less on individuals and more on schools of thought such as liberalism. Liberalism appears to be the dominant theoretical model at work in the world today and deserves more attention in terms of native nation building, (Richardson 2001).

Methods involve reliable, replicable, and valid ways of answering research questions, (Lomawaima and McCarty 2002). Methodological approaches can be quantitative, statistical, and game theoretic in which it is possible to use models to predict politics. Qualitative methods involve case study, qualitative comparative analysis (QCA), and can be used to develop strategic models of policy formation in conjunction with game theory methods. Hybrid models combine QCA and game theory approaches supplemented by case study research to explain patterns and anomalies. Political history is another method in producing research. Navajo political history is probably most associated with the work of David Wilkins, (Wilkins 1987; Wilkins 2002a; Wilkins 2002b; Wilkins 2003; Wilkins 2007). So why bring up the question of politics?

Denny once explained that "politics" did not take place during the Diné Creation period. The Diné creation period includes all of the eras represented in Figure 1.1 up to the time of Changing Woman's return and the Four Re-Created Clans. Rather, he explained that politics took place between humans and animals, or humans and nature, (Denny 2010). Denny assumed that the term politics was a dirty word. Asking students in classes at Diné College revealed more inconsistency regarding a definition of politics. A memorable response was, "a way to lie, cheat, and steal." (Keep in mind that the evidence offered here is hardly scientific). Still, in the interest of disclosure, assumptions about the definition of politics are clearly spelled out for readers.

Politics is not an opinion. Discussions of politics require one to know their biases in favor or against topics of relevancy. Politics is a tool used in the course of governing. Like any tool, one can use politics to help people, help oneself, or destroy people while you are destroying oneself. On predicting politics and policies, it is possible to have reactions to potential future policies. It is possible to have contingency plans for shocks to political systems (Collier and Collier 1991). Politics can mean many things to many people. For the dissertation, the study of politics and political science has potential to create a system of government that is built up from the bottom, (people) toward leadership. A bottom up political institution is built on an assumption that bottom up is consistent with Diné philosophy. Bottom up politics is certainly not consistent with most European philosophical thought. Regardless of which philosophy is used, philosophy can be credited, or blamed, with breathing life into any institution of governance. Still, politics must remain predictable to some extent or everyday life will fall into chaos.

D. Replicable, Reliable, and Valid

In terms of producing quality research, documents replicable, reliable, and valid appear to provide the most benefit (Lomawaima and McCarty 2002). In this way, one may push the current limits of research in American Indian Studies. The concepts and models proposed here are instruments that can be tuned to multiple environments. Special attention must be given to calibration. Replicable research ensures that others may reproduce findings and draw similar or identical conclusions absent influence from previous authors. Replicability provides predictability to the research meaning that others may learn the method and then foretell where the conclusions will fall. In this way, a group of scholars can independently deduce logical outgrowths of research that the original author never considered. Reliable research approaches require discipline in answering the research question directly. Validity ensures assumptions are explicitly considered and disclosed to readers. Some assumptions involve a clear connection to a particular philosophy. Other assumptions involve missing information. Explicitly disclosing any assumptions makes the research more robust.

Applying replicability, reliability, and validity works in at least two ways. The research process creates new models based on the concerns uncovered via historical descriptive analysis. Alternatively, existing institutions of governance are testable for their ability to perform. Performance quality is measurable given careful calibration and explication of a given metric. A threshold could be determined after diligent case study research. Ultimately, research in the tradition of replicablity, reliability, and validity contributes to building (or rebuilding) institutions of governance that must account for philosophy, structure, and agents. Philosophy makes assumptions, structure is a conduit

between philosophy and agent, and the agent is the human that must carry out the directives (philosophy) via a structure (institution).

One can build a mechanical government. It can maneuver based on war, diplomacy, economic prosperity, recession and everything in between. The subjective questions create the most trouble and debate. Why three branch government with checks and balances? Is it because a philosophy assumes a failure to trust anyone in charge? Is distrust the reason for term limits? The philosophy of a people must fill in the subjective gaps. Be clear about how philosophical positions are subjective. For example, why should any society select a Naat'áanii system in which a leader 1. knows peace ways, 2. is a good speaker, 3. has a connection to medicine people, 4. has a connection to the Holy Ones, and 5. is supported by the community? Once again, the philosophy must guide these answers but the guidance will be subjective. The choices early on are subjective. Only when a status quo develops are subjective questions treated differently. When the status quo cements a pathway, suddenly one MUST build all institutions in a way that serves only said status quo. Peoples have different philosophies. Some beliefs are based, at least, on Christianity and/or Diné philosophy. These philosophical distinctions are rarely clear. Toward this end, a note on assumptions is in order. The trappings of social science research leave us making assumptions. Assumptions in this dissertation will be explicitly identified. These assumptions are identified in an effort to make the research transparent and nothing more. So can we identify the objective needs of government? Can we agree to fill the subjective gaps with philosophy? Such is a heavy task.

Chapter One – Dził Łeezh – Enter, Exit, Return Home, discusses traditional institutions of governance as they are embedded, philosophically, in the elements placed

in The Sacred Mountains which encircle past and present Diné. One must first enter to utilize such elements. One must also exit to sustain the home. Chapter Two – Sisnaajiní – Philosophy of Diné Governance, explores traditional institutions and how one can expect humans to utilize one of many cycles which exist in Diné philosophy allowing humans to simultaneously think about their governance and their lives as they find it today and as they expect to find it tomorrow. Chapter Three – Tsoodził - Interrupted Planning in the History of Diné Governance, visits traditional institutions and the disruption of Diné governance from its precontact form to its post contact form forcing future leaders to plan for a catastrophic change while simultaneously reflecting on their current situation within the context of disruption. Chapter Four – Dook'o'ooslííd – Living with Contemporary Approaches to Native Nation Building, focuses on how traditional institutions frame the process of living with a disrupted Diné cycle while simultaneously planning for a future based on Diné Philosophy. Chapter Five – Dibé Nitsaa – Reflecting on Concepts of Diné Governance considers how traditional institutions demand that a frank discussion take place over the recent Diné governance evolution in which clear evidence of self interest suggests we begin the process of governing again perhaps per Diné philosophy. Chapter Six – Dziłná'oodiłii and Ch'óol'í'í asks how traditional institutions exist today perhaps because colonial practices failed to destroy them or potentially because traditional institutions are designed by the Holy Ones for the purpose of surviving catastrophic events. Survival of Diné institutions may have occurred so that future humans can use them to resolve their contemporary problems or Re-Create their world. Humans must enter and exit only to return home to a sanctuary of Diné philosophy. Chapter Seven – Atsa doo Ma'ii Tso discusses how traditional institutions of governance currently exist.

We need to better understand the attributes of the Eagle to search from above and simultaneously look from the earth by way of attributes possessed by the Wolf.

Moving forward, it is useful to consider the following overarching and unique perspective: for governance to function it must have a foundation in philosophy, have a structure to distribute directives, and it must have humans to carry out directives. For the purposes of this research, one can assume Diné philosophy will be the foundation. Such an assumption in and of itself is unique. Second, and most breath taking, is the fact that there is NOT currently an operational structure by which Diné philosophy can distribute directives from the Holy Ones to the humans. This research will begin the process of building such structures. This research will not contain the definitive answer on how to distribute the philosophy of the Diné to those willing to follow it. Finally, this research will leave it to the human agents to find their own pathway via structures offered here. In terms of Diné philosophy, one might consider this research as a communication between those that inhabit mother earth and those that guide from above or father sky.

CHAPTER II. SISNAAJINÍ - PHILOSOPHY OF DINÉ THINKING

A philosophy of Diné governance must be derived from Diné philosophy. An unfortunate assumption in social science research involves the existence of an Indigenous philosophy. Some scholars neglect Diné philosophy and retell a history of the Diné. Other scholars might attempt to explain Diné behavior using an established social science theory. It appears that no scholar has ever assumed that a Diné philosophy exists. Interestingly, many scholars of Diné philosophy do exist and are rarely consulted by members of the academy. Scholars of Diné philosophy are consulted within this research to assist in answering the research question. Consulting scholars of Diné philosophy assumes there is no western philosophy capable of representing Diné philosophy. This premise is especially true when theorizing about the notion of pre-contact Diné thinking.

A long tradition in many research fields involving Indigenous peoples involves some western theory capturing the essence of Indigenous behavior. Behaviors include ceremony, resistance to assimilation, or any other activities one can imagine. In many ways the present task is to briefly introduce a discipline (Diné Philosophy) seldom taken seriously by western academics. Even when Diné philosophy is taken seriously, the vast majority of scholars with genuine interest do not have the proper backgrounds to fully appreciate the capacity for logical inductive and deductive reasoning within Diné philosophy. Yet recognizing a need for further knowledge to understand Diné thinking is not the same thing as possessing such knowledge. The current author is not implying the possession of Diné knowledge. There is importance, however, in asking the correct questions and relying on the correct assumptions in order to best answer the current research question. Still, context is key. Our topic is so complex and disciplined that it is

akin to introducing all that there is about physics in a few pages. We must accept the limitations of English language and limits imposed by Diné philosophers. These limits are daunting still, there is much to gain in reviewing what we can understand and what is deemed sharable by carriers of Diné knowledge.

To rely on pan-Indigenous philosophy would eschew the opportunity to explore the way some traditional Diné teachings discuss problem-solving. Diné Bitsáhákees, or Navajo thinking, is explored here from a general point of view. It will be noticeable later that there is a great deal of overlap between Diné thinking and Diné philosophy of governance. Finally, there is exploration of some general theories of European governance. Past research has assumed that a given European philosophy will explain Indigenous behavior. Exploring Diné governance based on assumptions that Diné philosophy will explain Diné behavior is a novel yet very simple idea. Still, café leaders must interact with colonial actors. Hence, the Diné must understand the colonial actors they will interact with today and tomorrow. It is necessary to understand why colonial actors behaved as they did. Secondly, western philosophy of governance explains, in very broad terms, some of the aspects of contemporary Indigenous governance and practices which were adopted (or forced upon) the Diné.

A. Diné Indigenous Knowledge

One problem with the notion of thinking Indigenously is that it is almost so painfully abstract that it seems meaningless. This problem can be solved by linking the notion of thinking Indigenously to a specific Indigenous group. Hence, one must explore Diné Indigenous knowledge. Also, one can assume that Diné thinking should mitigate as much as possible the influence from western philosophy. (Keeping western influence to a

minimum allows an opportunity to understand what it means to think in terms of the Diné more organically as it has been defined by Holm et al.) (2003). Before one can explore how the Diné might govern themselves absent the influence of western culture, one must first discuss how Diné might think more generally. One of the most fundamental aspects of Diné philosophy involves The Four Directions. The Four Directions are associated with daily life. Diné directions are Ha'a'aah or east, Shádi'ááh or south, E'e'ahh or west, and Náhookǫǫs or north. These directions must be acknowledged in a clockwise direction starting in the east. Each of these directions is associated with a color. Ha'a'aah is associated with łigai or white, Shádi'ááh is associated with dootł'izh or turquoise, E'e'ahh is associated with łistoh or yellow, and Náhookǫǫs is associated with łizhin or black. Additionally, each direction is associated with a Sacred Mountain which outlines the area within which the Diné are supposed to live according to the teachings of the Diyin Diné or the Holy Ones. To the east is Sisnaajiní, south is Tsoodził, west is Dook'o'oosłiid, and north is Dibé Nitsaa, (Parsons-Yazzie et al. 2007 275). Each of these aspects of Diné life has impact on the traditional teachings regarding how to live individually and as a group.

Additionally, Diné traditions also highlight a process of problem solving. The path of The Four Directions reflects the patterns in ones life, not only during a daily cycle, but it also serves as a model for a person going through stages of maturity (birth, adolescence, adulthood, and elder). In this way, one can think of their birth and early life as a thinking stage. Diné teachings involve thinking about what their senses are detecting. Senses assist in learning what one can accomplish in the day and in life. At the adolescence stage, a person begins to make plans for the moment, for the day, and for

life. As adults, plans made are actualized in a manner consistent with Diné teachings. As one becomes older, one may reflect back on their life so as to pass what they have learned on to others. And while the above can be applied to a lifetime of activity, it can also be applied to a moment of activity. A day's plan may take the same approach of thinking about your tasks in the early dawn. By the time the sun rises, one is planning their activities with an idea about what can and needs accomplishing. During the day, one is putting their plans in action and supplementing their activity by trying to finish what one started. By sunset, one is reflecting on their day's work. One is thinking of how they may better perform on another day or how their activities were most efficient thereby retaining their behavior for another similar situation. These teachings are linked to The Four Directions.

Traditional Diné teachings hold that The Four Directions also represent a thought process for its people to follow. This Navajo thinking process is called Diné Bitsáhákees. Each thought process is associated with a direction. People are instructed to begin the thought process to the east with Nitsáhákees[iii] or with thinking. Next, one moves clockwise to the south and begins Nahat'á or planning their operation. Continuing clockwise, one moves west and begins 'Iiná or living the plan. Finally, and continuing clockwise, one moves North and enters the Sih Hasin phase of reflecting on their operation so as to learn from their mistakes and their triumphs (Parsons-Yazzie et al. 2007 275). These teachings are general and applicable to a diverse set of problems or tasks which people face on a daily basis. Thus, the process lends itself to long term goals which might involve governance. For a concrete example, think about how Diné philosophy can be applied to obtaining a college education.

Some research involves the Diné philosophy role in obtaining a college education, (Gorman Keith 2004). In terms of educational philosophy, Nitsáhákees was applied to the "predominant theory about Navajo college students" so as to reconsider what is assumed about Navajo college students by people of European origin (Bilagáanaa) (Gorman-Keith 2004 2). Part of the Nitsáhákees process, as applied by Gorman-Keith, involved the introduction of an Indigenous world view which is contrasted with the scientific method (as it is attributed to western culture) (Gorman-Keith 2004 23). Gorman-Keith's research is one example of western theory and its fit, or lack of fit, over Diné behavior. A pan-Indigenous world view is first introduced as a broad, all encompassing theory. Next, the Diné philosophy of education, which is directly linked to the Diné philosophy of life more generally, is placed within the broader pan-Indigenous theory. One might judge all of the above as the Nitsáhákees process of thinking things out before one takes a step toward planning their operation.

Next in Diné philosophy is "Nahat'á" or planning things out (Parsons-Yazzie, Speas et al. 2007, 275) The principle of Nahat'á is linked to Hózhǫ́ǫ́jí or moving toward beauty as a means of attaining a college education (Gorman Keith 2004, 28). These principles involve a daily process to benefit the person in their daily and more long term goals. The first step in planning one's operation, be it in education or in governing one's own people. Hozhó Sistsijį, or beauty in front of me. Hozhó Sistsijį asks the Creator (Diyin Dine'é) to ensure positive encounters. Hozhó Shikéé dę́ę́, or beauty behind me, involves remembering where one has been in life so as to have a good example to follow. Hozhó Shikéé dę́ę́, also asks for that ones path leaves beauty along the way. Hozhó Shiyaagi, or beauty beneath me, seeks strength in the earth by acknowledging the earth's

life giving abilities. One also asks for life sustaining properties. Hozhó Shik'igi, or beauty from above me, recalls a relationship with father sky by acknowledging that which one obtains from the sky and asking that such gifts assist you and your plans. Still, more acknowledgments and request are necessary.

Hozhó Shinaadéé, beauty all around, is an acknowledgment of all that surrounds you in terms of environment. This acknowledgment must be made in a clockwise direction so as to ensure continued balance in the process of planning. Hozhó Schich'į'go, beauty towards me, asks that all in which you encounter be of a good nature. Completing the cycle, Hozhó Shizéé'dee, or speaking your thoughts with beauty, asks that you speak with the above as the foundation of your plans (Gorman Keith 2004, 28-29; Cody 2009). With one's abilities and gifts in order, further planning is necessary as gifts and other resources require tools to put them to good use. Nahat'á also requires that a person have a certain relationship with the resources one will use to actualize their plan(s). Plans should be "flexible and open to change" because people are not perfect. People make mistakes and planning for our mistakes is key to ensuring that one's operation is successful (Gorman Keith 2004, 61-62). With thinking and planning in place, it is now time to take the next step.

A third aspect of Diné philosophy involves 'Iiná. 'Iiná might be translated as, "life" but it has much more meaning to it (Parsons-Yazzie, Speas et al. 2007, 275). In terms of education, one might call 'Iiná a "lived experience" or otherwise the way in which Navajo college students lived their life in pursuit of their college educations (Gorman Keith 2004, 83-84). Still, one can see 'Iiná as the process of carrying out one's plans they have been preparing for (Cody 2009). In the end, all of these definitions are

correct and are at work in any attempt at governing one's own people. Western scholars have a mathematical calculus for such a process known as Bayesian updating.

The cycle is completed in Diné philosophy via reflection or Sih Hasin. Here the opportunity lies for looking back on what one has accomplished. One is instructed to think about what went well so as to implement such a strategy again in similar situations. One is also instructed to mull over what went wrong. It is in the mistakes that one finds a reason for modifying their past strategy. People recognize what actions were wrong so that they can have a better strategy in mind when encountering a similar situation. Sih Hasin allows for, "deconstruction and adaptation from a different time" (Gorman Keith 2004, 147). This lesson seems especially cogent for problems currently faced by Navajo Nation in terms of their governance. How can adaptation of what was traditionally useful to the Diné impact current and future policy? Reflection on how the contemporary Diné might adapt their traditional governance institutions to fit contemporary problems could yield interesting results. Although the above philosophy was applied to educational institutions, the lessons can be applied to governance also. " . . . college education serves a purpose other than what the institution [university] designed" (Gorman Keith 2004, 147). We must ask what purpose contemporary Diné governance was designed to carry out. We must not assume that contemporary Diné governance was meant to serve the citizenry it is currently tasked with serving.

The time has come to call everything related to Diné governance into question. This approach is akin to the organization of an introductory book on political science. Many Euro-American books on political science begin with the philosophical roots of European culture. An entire dissertation can be dedicated to the philosophical roots of

Indigenous or Diné governance. Space here limits the discussion. Research involving

Diné philosophy and its impact on governance has never been conducted. Western

society benefits from its own cultural norm of writing down their philosophical political

thoughts. Indigenous cultures tend to retain such knowledge orally. Diné traditional

knowledge on governance and leadership are certainly orally preserved. Regardless, it is

necessary to contemplate (acknowledge) how the academy currently exhibits a lack of

information regarding what is Diné political philosophy. Scholars must rethink the

definition of Diné political philosophy. With Diné philosophy in mind, reflect on the

following: no one culture possesses a universal set of truths. We must dismiss the

common assumption on European cultural monopoly on said truths. Rather, it is time to

put the above ideas regarding Diné knowledge to work. Diné knowledge can be the frame

that holds together a contemporary Diné governance philosophy. Diné governance

philosophy is not a universally accepted nor agreed upon thesis. While no one individual

"thinks" Indigenously by virtue of their hereditary make-up, it still benefits those

interested in solving social ills in Diné communities to explore critically what it means to

rely on Diné philosophy of governance.

Generally, Indigenous people ask questions and rely on senses to detect answers

and ask questions. These questions and answers go beyond the normative assumptions

which dominate any thought related to English language or European thought. Indigenous

thinking orients itself toward its place territory. Indigenous thinking is linked to

ceremonial cycles and must consider its own oral traditions found in a "repository" of

elders. These knowledge holders may have their own unique language separate from

everyday Indigenous language to ensure that the balance between these various aspects of

Indigenous culture remains intact (Holm, Pearson, and Chavis 2003). In particular, Diné philosophy might hold that people think about their governance issues and then plan their approach to managing said issues. Next, they carry out their plan to manage said issues, and reflect on the outcome of their management practices. Outcomes are monitored so as to modify their plan in order to actuate a more positive outcome next time (Cody 2009; Gorman-Keith 2004; Parsons-Yazzie et al. 2007). Diné language has specific words current author cannot know. The specific language used to govern the Diné remains with elders or otherwise qualified knowledge holders. The knowledge meant to govern remains intact someplace in the sacred history, in Diné Bikéyah or in Navajo land, in the ceremony cycle (Naachid), and in specific language. In short, Diné Indigenous philosophy is likely the basis for traditional Diné governance. Hence, specific questions about traditional and contemporary Diné governance are in order.

<div align="center">1. Four Re-Created Clans – Fourth World Cycle</div>

It is imperative to explore more concrete iterations of Diné philosophy with very general assumptions about Diné philosophy in mind. The main issue many non-Diné thinkers point out is that the holistic view of Diné philosophy is difficult to manage and navigate. How does one know what aspect of the philosophy is appropriate for what problem? While the answer to such a question is not readily available in sound bite form, Avery Denny did provide some guidance on a general philosophy of governance based on Diné thinking. Reference Figure 1.2 and how within this table is a great deal of embedded information. Some of the information regards what political theorists would call normative theory. This simply means that Figure 1.2 contains a great deal of information regarding the way government should be according to Diné philosophy.

Expressing the ideas in English writing is difficult. English language leaves the reader

with the impression that once you reach the end of this chapter that you have come to an

end point in the philosophy itself. Hence, we must constantly remind ourselves of the

cyclical pathway we explore now for good Diné governance. Diné governance

philosophy is not linear. We must remember that the cyclical process requires repetition

as a mechanism for maintenance of the system. Without maintenance, or continued

adherence to the process, human based government may descend into chaos. Like all of

Diné philosophy, the notion of normative Diné governance originates from stories of

Diné creation.

The story of normative Diné governance is not a tale of linear history. When non-

Diné cultures tell their stories of how government ought to be, they do not rely on a

history of intellectual thought alone. Rather, normative philosophy will rely on its

intellectual ancestors. The philosophy of economic liberalism, for example, is a matter of

art (Richardson 2001). Normative philosophy of European style governance cannot be

contained in one book. European style philosophy is complete with subjective decisions

to resolve differences of opinion and approach. All philosophy of normative governance

is complete with inductive and deductive reasoning. Sometimes the distinction is not

clear within a given philosophy. But, in the end, no Indigenous philosophy has ever been

treated as a true normative philosophy with all the nuances, sophistications, trappings,

and elements that have been afforded philosophies of other (especially European)

cultures. Compounding such an issue is the norm for Diné philosophers (such as

medicine people) to not claim credit for aspects of certain knowledge. While not

condemnation of this norm, we are wise to acknowledge how the practice leaves doubt

surrounding the source of information. Western intellectual thought will call the very

legitimacy of such information into question (Smith 1999). Concerns about the

legitimacy of Diné knowledge are distracting. Legitimacy of any knowledge must be

measured using a metric created by the culture. Non-Diné measures of Diné knowledge

legitimacy "tests" are possible but many assumptions must be disclosed. One remarkable

quality of Diné knowledge is its consistency. Hataałi (Medicine People) have been able to

consistently deduce conclusions based on their knowledge for millennia. Who are

scholars to judge such consistency as less then legitimate? These issues are just a few of

the concerns that must be acknowledged before exploring normative Diné philosophy.

Long ago, the Four Clans were Re-Created at the beginning of the Fourth World.

These clans are called Kinyaa'áanii, Tó'áhaní, Tódich'iinii, and Hashtł'ishnii. Some

narratives say these are not the original clans but the debates are an aside. When the Four

Clans were Re-Created, they were instructed to live within the bounds of The Sacred

Mountains. Figure 1.2 is a two dimensional representation of The Sacred Mountains. At

first, there were only Four Sacred Mountains. Later, two more mountains were added in

order to furnish humans with the Dził Łeezh necessary to govern themselves properly.

Typically, past scholars of Diné philosophy have assumed that within the Sacred

Mountains is the idea of Diné thinking. As we have explored before, the aspects of

thinking are called Nitsáhákees, Nahat'á, 'Iiná, and Sih Hasin. These tenets of Diné

philosophy are not in dispute here but note that not all agree on its accuracy or existence.

But the manner in which humans should approach questions of governance has been

adjusted per the direction of Denny. Denny's direction involves a series of inductive

decisions. Denny's premises must be true but the outcome may or may not be true. Just as

in other philosophies, it is important to defer to the knowledge holders in matters of

inductive reasoning. The time and place for disagreeing with the knowledge holders is

elsewhere. Describing the premises of Diné knowledge must happen before debate and

disagreement can occur. Critical research on Diné knowledge is future research for others

to pursue. Denny explained that the pathway beginning with Sisnaajiní was the path

followed by the Holy Ones. He surmised that since the path of the Holy Ones is not

meant for humans, it did not make sense for humans to attempt to duplicate such a

pathway for the purposes of domestic Navajo governance. Rather, he suggested that

contemporary domestic Diné governance should follow a path outlined by the history of

the Four Clans and their Re-Creation. In short, the path should begin at home.

Within each of the Four Sacred Mountains is the essence of Diné Nitsáhákees. We

can follow each mountain and its inherent Dził Łeezh through the process of Diné

Nitsáhákees. We can start with Sisnaajiní like the Holy Ones did long ago. Denny,

however, suggested we begin with the Dził Łeezh inherent in Dook'o'oosłiid. Notice how

Figure 1.2 indicates the cycle for Diné Nitsáhákees begins with the eastern slope. Also

notice that imbedded within Figure 1.2 is a less obvious cycle. The Four Re-Created

Clans have instructions as plain as day in this diagram but the instructions are subtle. You

can see an eastern slope of Dook'o'oosłiid demarcated with a 1. But less obvious is that

you can see a southern slope from Dibé Nitsaa demarcated with numeral 2. This number

represents at least two ideas. It represents the Nahat'á stage of thinking involving the Dził

Łeezh inherent in Dibé Nitsaa. The southern slope also represents the Nahat'á stage of

the path followed by the Re-Created clans. This inner circle pathway continues on to the

western slope of Sisnaajiní and completes one cycle on the northern slope of Tsoodził.

Here it must be reiterated that once the cycle is completed, the story does not end. One must continually work through the process of governance or it will no longer function. But why even look into the Dził Łeezh inherent in these mountain? Inductive reasoning says it is the best way to think about contemporary governance for Diné Bikéyah.

i. Dook'o'oosłiid – 'Iiná

Dził Łeezh traits inherent in each of the Four Sacred Mountains are the normative pathway by which Diné of yesterday and today can and should govern themselves. (Specific information about the inherent traits of Dził Łeezh is not appropriate for mass dissemination). The various inherent traits are represented by the different hooghans associated with each of the Four Sacred Mountains. Starting with Dook'o'oosłiid and 'Iiná, Denny's furnished knowledge on the ideal hooghan and what it represents. One must start with Dook'o'oosłiid and 'Iiná for a number of reasons. Just the word 'Iiná has a very deep meaning in Diné bizaad (Navajo language). Most simplistically, 'Iiná is not possible without the Four Sacred Elements. These elements are called Kǫ', Tó, Níłch'i, Naahadzaan (or fire, water, air, and earth). The Four Sacred Elements are the basic building blocks of life. They each contribute to negating the seven monsters allowed to live (Benally 2006 14). In other words, fire can be used to resolve hunger issues. Yet, the most cogent interpretation of the Four Sacred Elements is that each can give you life and each can take your life away (Cody 2009). The key is maintaining the proper distance from The Four Sacred Elements. Life is preserved by remaining the proper distance from The Four Sacred Elements. 'Iiná hooghan is a very important tool in maintaining proper distance from The Four Sacred Elements.

The way 'Iiná hooghan is managed is a metaphor for life within the Four Sacred Mountains. Figure 2.1, the 'Iiná hooghan, was furnished by Denny. He explained that the Six Sacred Mountains are a representative for how one should live their life within the 'Iiná hooghan. Within the 'Iiná hooghan are four posts which represent the Four Sacred Mountains. The posts follow the same pattern laid out by the Four Sacred Mountains: Sisnaajiní for the eastern post, Tsoodził for a southern post, Dook'o'oosłiid for a western post, and Dibé Nitsaa for the northern post. Denny explained that after the Re-Creation of the Four Clans, the Diné were given two more mountains. The entry way for 'Iiná hooghan represents Dziłná Oodiłii. This mountain was given to the Diné as a way to enter and exit their home. The sixth mountain, Ch'óol'í'í, represents the chimney. This mountain was given to the Diné so they could cook, keep themselves warm, and allow for exhaust smoke to exit. Within the 'Iiná hooghan, one is experiencing life as it happens. One can look back to see what has been planned. One can look forward to see what may come around the corner. One may question whether past plans remain relevant for life today. One can look to the future to see if current life is in need of change as new obstacles emerge. As stated before, life begins in the home. What is in the home?

Figure 2.1: (1.3) Leadership within the Home

Entrance

Entry
from
northwest

Exit
toward
southwest
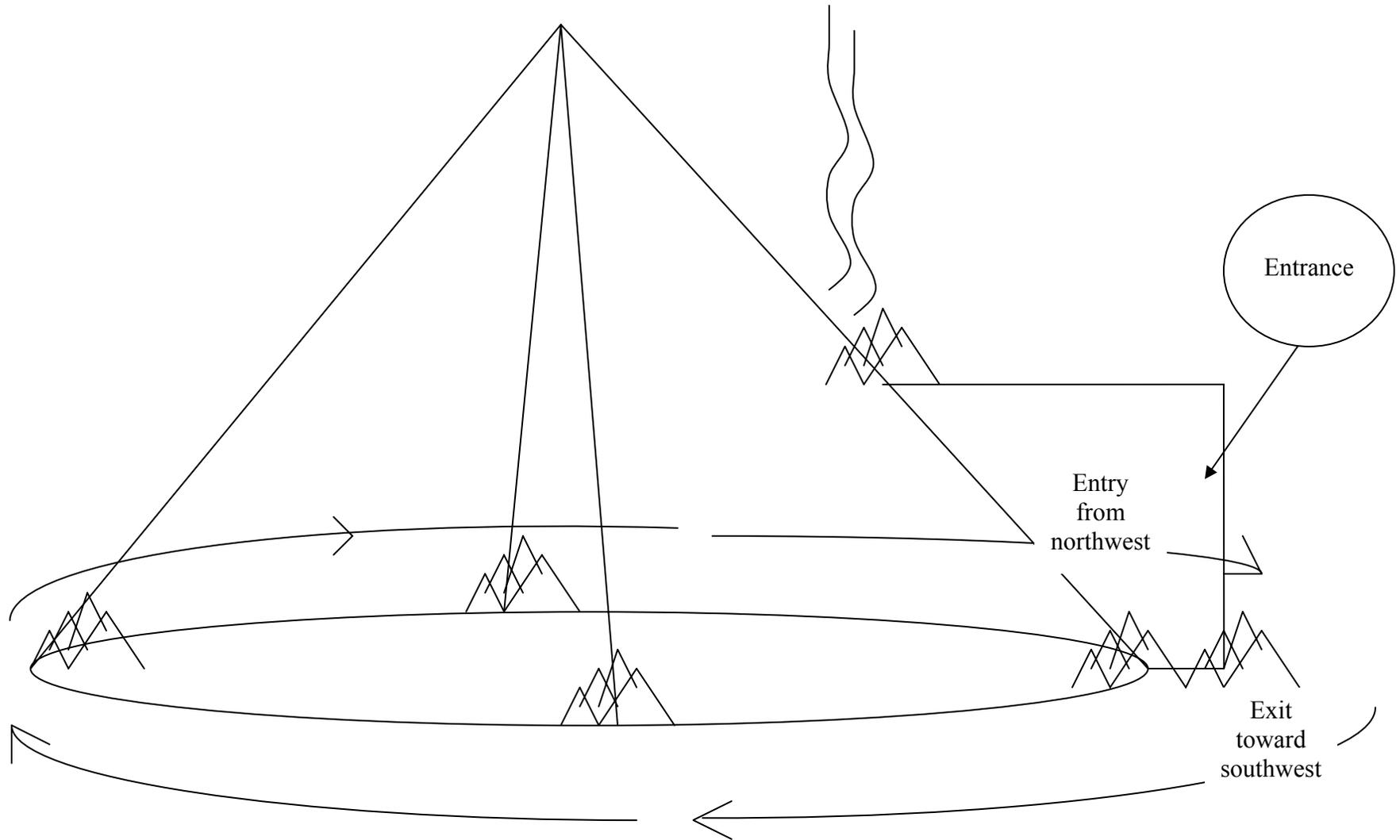
Denny explained that within (Dook'o'oosłiid)'Iiná hooghan, one will find the embodiment of the ideal parent and adult. A leader is expected to exhibit an exceptional example of leadership qualities at home in the very least. If an individual cannot successfully manage their home, then there is really no point in trying to lead beyond one's home. If an individual is called upon to lead their community, they will do so willingly and with a full understanding that inherent in the leadership role is not merely the perks of the job. Rather, there is heavy lifting required of individuals via obligations to the community via K'é or clan relationship and K'éí or descent (Austin 2009b 92-94 and 153-156). An ideal parent is a prerequisite to being a leader. As an ideal parent, you have experienced birth and child rearing first hand. You are concrete in your role as a husband or a wife (depending upon your gender). This hooghan is your life; it is where you make a good life for you, your spouse, and your children.

The (Dook'o'oosłiid) 'Iiná hooghan is utilized by Diné as a home. Each area of the 'Iiná hooghan is dedicated to specific uses. Things are kept orderly. Ideally, one will visit a specific area of the 'Iiná hooghan on a daily basis. By the end of a 24 hour period, an individual will have visited all areas of the 'Iiná hooghan. The consequences of not visiting all areas within a single day may imply imbalance is about to occur. For example, if you do not visit your eating area of the hooghan, you will implicitly be starving yourself and this is going to lead to a period of imbalance for you as an individual. It could also mean that you have failed as a parent to feed your children. If you have nothing to cook it may be because activities outside of the hooghan have not yielded any food in the first place. An alternative explanation is you do have food but have failed to

cook it. An individual will carry out their lives based on plans (nahat'á) and thinking (nitsáhákees) in the hooghan.

ii. Dibé Nitsaa – Sih Hasin

The hooghan associated with Dibé Nitsaa and Sih Hasin is called the Tách'ééh or sweat lodge hooghan. Khe spiritual realm of Diné existence is here. There is a male and female Tách'ééh hooghan. A back story excluded here explains how the Diné population, in general but not universally, utilizes the female hooghan for spiritual needs. The embodiment of the spiritual child resides within the Tách'ééh hooghan. Within Tách'ééh hooghan are the necessary conditions for ones spiritual health and well being. The Tách'ééh hooghan is a place for spiritual development throughout life. Spiritual truths are revealed (logical inductions) and logical deductions based on previous learning can be confirmed, disproven or otherwise refined. One will learn their faith in aspects of life they may not be capable of observing themselves within the Tách'ééh hooghan. The attributes of Tách'ééh hooghan works in ways which not all individuals will be able to understand. Like the other hooghans, Tách'ééh hooghan attributes are contained in Dził Łeezh.

The Dził Łeezh of songs and prayers are stored in Dibé Nitsaa. Such a Dził Łeezh bundle is associated with the protection way or Hashkéjí. Not all individuals are equipped to bear the responsibility inherent in carrying certain aspects of Diné knowledge. To understand or carry such knowledge of specific songs and prayers may (and more likely than not does) require the carrier to utilize such knowledge for the well being of others. Carrying Diné knowledge can be an onerous task. Such responsibility is inherent in the K'é relationship (Austin 2009b 92-94). Within Tách'ééh hooghan one may reflect on life

and ones actions. Actions can be revisited for evaluation. Did you behave correctly? If so, is your past behavior still warranted? If not, what should your new course of action be? If you have behaved incorrectly, what will you do to resolve the imbalance in the future? Such considerations are the embodiment of Sih Hasin. Once again, reflection on an idea or concern is not the end of the process. One must go back to the first step or the potential for chaos is likely.

<div align="center">iii. Sisnaajiní – Nitsáhákees</div>

The hooghan associated with the east and Sisnaajiní is called the sodizin. The process for governance in terms of Nitsáhákees, or thinking, involves a point of beginning or perhaps renewal. Here an individual can begin to understand the components necessary for an ideal home. This is also the place to look for the birth of new knowledge. Such new knowledge may be new to the individual or it could be new to the world. It may be difficult to tell if the knowledge acquired here is new to the individual or the world. The sodizin hooghan is also the place for ceremonial and spiritual renewal and beginnings. Sodizin hooghan is ideal for beginning the process for governance. The Dził Łeezh inherent in Sisnaajiní possesses the tools needed for individuals to think about future governance ideas. Sisnaajiní Dził Łeezh is associated with beauty way or Hózhǫ́ǫ́jí. This is a multi-faceted approach. Diné philosophy of governance requires that you not only explicitly think of yesterday, but of today and tomorrow. One may interpret yesterday, today, and tomorrow literally or metaphorically. In other words, longer increments of time are possible. One may look to last year, decade or century as well as looking forward in these increments of time. In thinking of future policy, one must again follow the pattern of thinking (nitsáhákees), planning (Nahat'á),

living ('Iiná), and reflection (Sih Hasin). Here, one can utilize the Dził Łeezh to consider the future of specific policies and government functions based on the current and future conditions being experienced. In Sisnaajiní one can find the answers to questions that have yet to appear or impact the population. By utilizing sodizin hooghan, individuals with well attuned abilities (perhaps medicine people) are able to foretell events for the benefit of all the community.

<div align="center">iv. Tsoodził - Naha'tá</div>

Completing the process, but not actually stopping, requires a bit of an adjustment in thought for some accustomed to an end point. Hence, the "final" stage of the process known as Naha'tá is reluctantly introduced. Its Dził Łeezh contains its own special attributes. Naha'tá literally means planning. Here we can find use for contemporary governance in terms of creating plans for future and current problems. The attributes in the Dził Łeezh contain the necessary elements for the Ideal Child. Here one will find the lessons needed and the problems associated with raising a child properly. For example, first laugh and the first walk are found here. The child is gaining abilities that will serve her for life. It will require greater amounts of forethought to ensure a long life. Here, again, the function inherent in the Dził Łeezh can follow the pathway of thinking, planning, living out, and reflecting on specific plans.

Figure 2.2: Close up of process for Normative Diné Governance

Sisnaajiní

Ch'óol'í'í

Dził́ná'oodiłii

Dibé Nitsaa

Four recreated
Clans inner path

Holy people path
Outside/external

Tsoodził

Dook'o'oosłiid
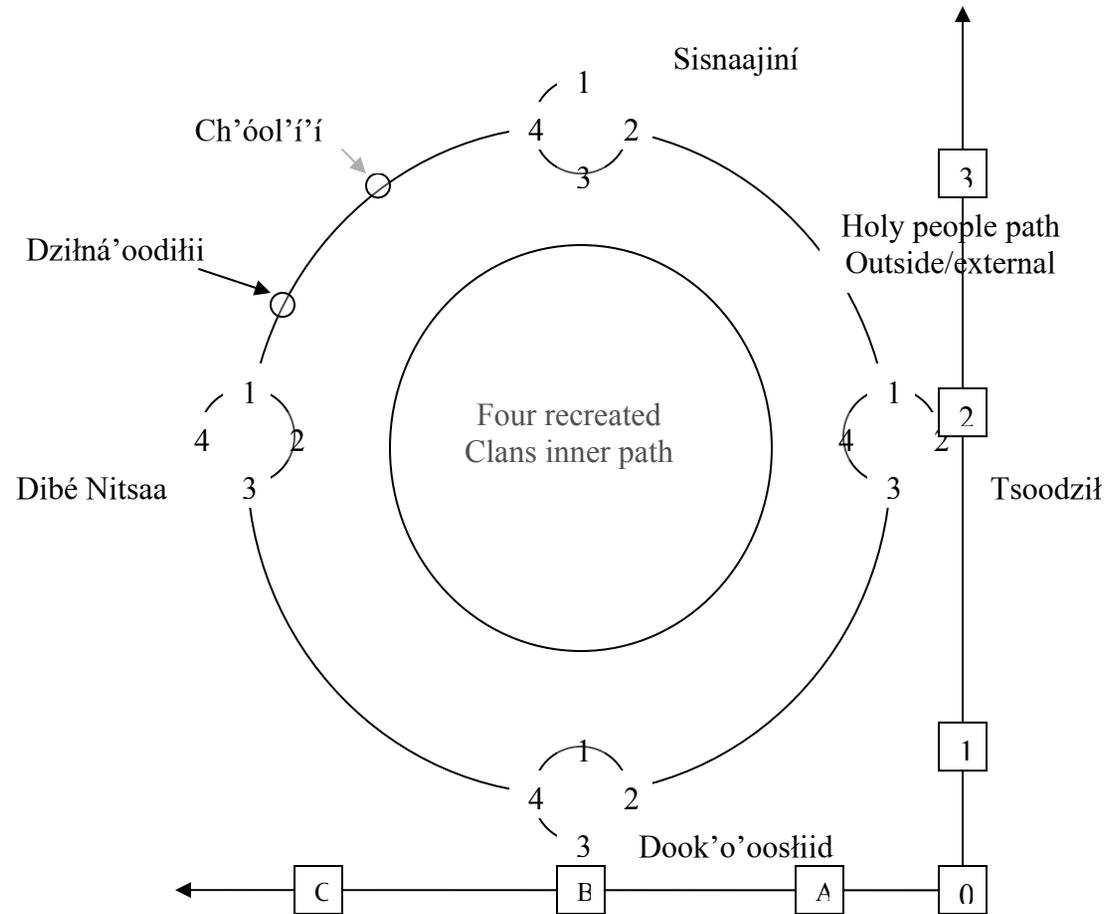
Collectively, it is possible to interpret all of the above by referencing Figure 2.2, a close up version of Figure 1.2 with a reference grid on the margins. Denny has made an inductive leap but the deductive consequences still make sense. First, we begin to the west at Dook'o'oosłiid as it is a good place to begin a process for thinking about everyday life. This location can be found by looking at Figure 2.2 1B. We can think about our life as we find it today, how we found it yesterday, how we would like to see it tomorrow, and how our spiritual side interprets all three aspects of life. Then, we can move forward to the north and Dibé Nitsaa or 2C. The spiritual aspects of our current life, past life, and future life require reflection. We reflect to discover what truly works well, what needs adjustment, what needs abandonment, and all with a mind toward what the future may hold. One can think about, plan, live out, and reflect on current living situations from a spiritual point of view.

Once a better direction on a spiritual level is located, moving to Sisnaajiní located at 3B is next. Here one thinks about how to implement spiritual lessons in a less abstract, more concrete, way. One may think about, plan, live out, and reflect upon the birth of new ideas. Here one may begin to exercise in what social scientists might call "counterfactual analysis" (Brady and Collier 2004; Griffin 1993; Roese and Olson 1995; Tetlock and Belkin 1996). One can imagine a future in which a certain policy change occurs. What will the consequences be? Will there be too much damage? Will changes reflect the needs of the people? Will changes be practical? Will benefits of a policy serve an elite few? One may think, plan, live out, and reflect without ever doing anything that harms people. Here is the place for imagination with purpose. Finally, one can move to Tzoodził at 2A. Consider the plans that have been made at the last stage. Serious

consideration about a practical manner of implementing policy takes place here in terms of thinking, planning, living out, and reflecting on consequences. With a plan well articulated, one can then live with those plans in the here and now. Inherent in the process is cyclical repetition in which we are back to living with current and future plans simultaneously. Such a process has only been superficially described due to the limitations of English language and the author.

B. Normative Philosophy Begins at Home

The philosophical roots of Diné thinking has been introduced in very basic terms and in terms of a policy making approach. These limits are crucial to recognize. Limits here are quite debilitating to the philosophy itself. The main issue, that probably cannot be resolved here, is to connect a very abstract philosophy to very real problems. There are several research questions needing exploration:

What do traditional institutions of Diné governance offer to our understanding of

the contemporary challenges faced by Navajo Nation today and tomorrow?

The research analyzes Diné governance to determine what traditional lessons offer to governance reform. Research questions are: 1a) Does Diné governance need reform? 1b) Do pre-1923 and post-1923 governance approaches lack cohesion? 1c) Do these two styles need reconciliation? 2) What components make up traditional and contemporary Diné governance? 3a) Should Diné governance step towards formalizing international ties with Nations other than the U.S.? 3b) If so, how? 4) What would a contemporary Diné governance structure look like? Would future plans integrate traditional governance norms and existing governance institutions as have the peacemaker courts? These questions are incredibly broad but are necessary. The question of governance touches on

a broad section of Diné philosophy. By taking these questions in steps, the scope of this research will be more manageable.

Some believe the framework for normative Diné governance follows the process outlined in this chapter. Yet much debate surrounds the various interpretations of such a complex process. There is room for many facets of Diné philosophy to co-exist along side other interpretations. Many respect the diversity of Diné philosophy while others certainly criticize the apparent lack of coherence (Austin 2009b 58-59). In the end, our goal has merely been to visit (revisit) one potential interpretation. Rather then debate about who is correct, it is more productive to focus on the inductive and deductive decisions that have been made in a very brief span of written space. Are the deductions logical? Do they fit the current problems of the Diné? It is not easy to come up with an answer. But one way of exploring the issues raised here would be to revisit the history of Diné governance in timeline fashion. Could reflecting on the history of Diné governance with the normative philosophy of the Diné in mind better explain what has happened in the past? Some say yes. Most have yet to even ask the question.

CHAPTER III. TSOODZIŁ - INTERRUPTED PLANNING IN THE HISTORY OF

DINÉ GOVERNANCE

What follows here is a truncated history of Diné governance. There are some gaps

which are left, among other things, due to an imbalance between the massive record on

the period of treaty making and a massive gap involving the period between 1868 to

1923. Regardless, the intent of this research is not a comprehensive history. Rather, an

attempt has been made to fill non-Native history gaps with Diné accounts of their own

history. Where possible, the Diné accounts are supplemented by placing the context of

time into the narrative. Ultimately, the concern here is to better understand Diné thinking

via interpretation of Diné creation, Diné interaction with colonial actors, Diné interaction

with corporate America, and the eventual need to regain control of Diné sovereignty. The

first section looks at the traditional stories involving Naat'áanii and their obligation to

their people and their Creator. A detailed account of these stories can be found in Ancita

Benally's dissertation (2006). The account contained here is brief and does not do much

more than set the context for looking at the research questions. One might call what

follows a time line style history of Diné governance. When trapped in a time line, below

is the way in which history looks. There is very little mention of philosophy and

geography in this chapter.

As we all well know, colonial actors began encroaching on Diné land forcing the

Diné leaders to change their way of life and style of leadership. To gain insight into Diné

leadership, treaty negotiations are examined. The treaty record is supplemented with

accounts and oral narratives of the same time period. The intention here is to see how

pre-contact thinking permeates to the contact period and to understand how European

philosophies are inconsistent with Diné thinking (and vice versa). A meeting of the minds rarely took place between Diné and colonial actors. Note specifically how the colonial actor leadership fails to give much respect to Diné leadership. With the last treaty commenced, the seemingly under investigated period between 1868 and 1923 is examined. Here one should note how the Diné philosophy of leadership is once again at work. But consider that there is a concerted effort to stop international interaction by virtue of the end of the Naachid after the return from The Long Walk. The period is also notable because a great deal of the pre-1868 leadership is replaced by Navajos hand picked by the U.S. This period is followed by the introduction of corporate interests and the business councils. The quickly changing and seemingly haphazard institutions, which survive in modified form today, mark a deviation away from traditional notions of Diné governance and leadership. As such, we need to revisit Diné history to ask again what impact Diné governance philosophy might have on contemporary governance.

<p align="center">A. Traditional Diné Governance</p>

Indigenous political philosophy, a discipline that lacks substantive attention in academia, is the driving force behind any accurate academic work on pre-Colombian Indigenous governance. Some prominent Indigenous philosophy research includes the following: (Deloria 1973; Deloria 1979; Deloria 1985; Deloria 1988; Deloria 1997; Deloria 2006; Holm 1989; Holm, Pearson, and Chavis 2003). The lack of dialogue on notions of what is Indigenous political philosophy is the major shortcoming of almost every writing in existence on Indigenous governance (Blackhawk 2006; Wilkins 2003). There are many reasons why the dialogue on Indigenous political philosophy is hindered. In part, it is because of disciplinary lines. The current author tends to rely on academic

research written by historians, political scientists, lawyers, and linguists, thereby spanning multiple disciplines. The tendency on the part of many scholars is not so much based on bias as it is on academic training and the yearning to seek out others with similar thought paths. Specifically, academics in the various fields may more likely be members of the groups they study, such as Native academics studying their own people, and willing to uncover facts which may not place Indigenous people in the most positive light. A second qualification involves scholars with a forward looking point of view. They search for answers to today's problems while being mindful of oral traditions' ability to solve problems. Thus, we are right back to square one regarding Indigenous political philosophy. Yet, even naming any philosophical thought process is limiting. Compartmentalizing topics such as Indigenous governance into western categories such as political science is not easy. The overlap between categories is enormous. Still, taking an interdisciplinary approach may invite a far too broad perspective. A consequence of interdisciplinary approaches may leave the reader with a more superficial feeling after delving into complex subject matter. Maintaining a balance will be difficult and everyone will not be satisfied with the result contained in this dissertation.

A final note regarding primary and secondary sources, broadly defined and inclusive of oral histories, deserves attention. In short, oral histories do not sit in library archives. Rather, one of the best defenses to genocidal acts against a people is to simply shut one's mouth. This strategy has worked to protect many Indigenous cultures as evidenced by their continued existence today. Still, memory is a strong attribute that can be passed on from generation to generation. Academic research is very low on the priority list of reasons to divulge sacred stories about governance. Other published work

will push the idea that "not much is known" about a given topic. While such an occurrence is at work, we must also accept the likelihood that many of the questions involving traditional Diné governance are not appropriate for sharing.

All of the above issues will color the approach taken when retelling the story of traditional Diné governance. Superficial accounts of leaders and their connection to Diné spirituality have retold the mechanics of such governance. However, there is little context provided. The run of the mill story starts with the first interactions between colonial actors and the Diné. Spanish, Mexican, and American treaties all hint at a history of confusion as European colonists attempted to rid themselves of the Diné by means of European style war. When European warfare failed, treaties were made with who European's assumed (by virtue of willful blindness or ignorance) were representatives of all Diné under a European style notion of nationhood. This led to confusion because the Diné did not function as a European state functions (Deloria and DeMallie 1999 70-71). On the surface, it appears that the Diné did not have a government which extended beyond the limits of what some call a "natural community" or a group that is considered a "local band" only large enough to live in a region defined by geographic barriers (Wilkins 2003 68). Evidence to support the "local band" theory comes from the broken treaties between Diné and colonial actors. Examining one treaty negotiation highlights the confusion and ulterior motives.

The first treaty ratified by the United States is endemic of the overall problems referenced above. The Treaty of 1849 had problems because the Diné signatories, Mariano Martinez and Chapitone, were minor headmen of unknown regions. Evidence suggests that they were selected to sign on behalf of the Diné because major Headman, a

Hózhóójí Naat'áanii, Narbonna had recently been killed. Narbonna's murder is discussed

in more detail later. In the wake of Narbonna's death, other major Headman linked to

Manuelito refused to participate in the negotiations (Wilkins 2003 74). Hence, the

legitimacy of the treaty must be called into question. Regardless, the treaty language

regards the Diné signatories as representative of the *Navajo Nation:*

> The following acknowledgements, declarations, and stipulations, have been duly
>
> considered, and are now solemnly adopted and proclaimed by the undersigned: . .
>
> . .Mariano Martinez, Head Chief, and Chapitone, second Chief, on the part of the
>
> Navajo tribe of Indians. (Deloria and DeMallie 1999; Wilkins 2003 225)

Not surprisingly, problems emerged when bands of the Diné did not agree to the terms of

a treaty. Secondly, some bands may have been unaware of a treaty being signed between

themselves and the U.S. As such, how can these bands have been legitimately expected to

agree to the treaty terms? Ignorance of treaty terms precludes compliance. Another

interpretation may explain the scenario. Awareness of a treaty signed by minor members

of a group of people that might share linguistic and other geographic traits is a

questionable premise upon which to base a nation to nation contractual agreement. This

example is offered to make a larger point about the inability, for whatever reason, of

colonial actors to truly understand traditional Diné governance.

While it may seem odd to discuss the history of the Diné out of chronological

order, the reason in organizing the history this way is to put the myth of Diné history on

the table only to dispel it or at least call it into question. A seminal piece on Diné

leadership philosophy is contained in a dissertation entitled, "Diné Binnahat'a, Navajo

Government" (Benally 2006). Here, a detailed account of the link between the Diné

creation story and its impact on leadership qualities exists. The scope of this dissertation limits the discussion to key points and limited detail.

The word "Naat'ááhjí" is used to describe the leadership way (Benally 2006 1). Naat'ááhjí literally means that one is going towards leadership but it is probably best understood as a path that an individual takes in order to become a traditional Diné leader. Various levels of leadership exist and it is unclear which level actually applies to governance leadership (Benally 2006 1). Regardless, the Diné word for leader is "Naat'áanii" or, "one who speaks, or orates and moves his [or her] head about," (Benally 2006 1). There is no clear distinction drawn between a leader for the purpose of governance versus a leader for the purpose of other tasks. Yet, within the story of Naat'ááhjí is contained the philosophical roots of traditional Diné governance:

> The position of Naat'áanii was so basic to the beginnings of the earth surface people that sacred narrative cannot be told without their presence. To assure the survival of those beings who would eventually progress to Nihóókáá' Din'é'é Bíla'ashdla'ii, the Five . . . Fingered Earth Surface People, order was necessary. Humanity was not meant to exist in chaos and disorder so the role of Naat'áanii, leaders was instituted. (Benally 2006 2)

Here is evidence of a common theme found in European philosophy of governance, which has not been researched in relation to Indigenous societies. All European philosophers of politics and governance express a foundational normative assumption that society is not meant to live in chaos and that order is the benefit of having governance (Ingersoll, Mathews, and Davison 2009). In this respect, the Diné are no different. The similarities end, however, in which the morality of European governance is

not sacred in no more a way than a handful of elite decision makers and gate keepers are considered holy (Ingersoll, Mathews, and Davison 2009). Diné philosophy of governance, on the other hand, is something revered by all Diné at least up until the time of contact with European people. The story of traditional Diné governance is founded in exceptional leadership qualities of particular individuals.

What follows will be a brief recount of the origin of Diné leadership. In the beginning, certain individuals were appointed to lead the masses. The first Diné leaders are the Holy People (Benally 2006 3). Diné refer to the Holy People as "Diyin Dine'é." The knowledge bestowed upon the Holy People are the teachings used to train Naat'áanii. The teachings are based on what today is called Navajo Common Law (Benally 2006 4). Several existences were traversed leading to the Hajiinéi or the emergence of the Five Fingered People onto the earth. The Five Fingered People were lead by First Man and First Woman and their rank was equal and complimentary to one another (Benally 2006 5). More details of the story conclude that women leaders will continue to lead and that men will carry out the decisions as equals and in compliment to one another (Benally 2006 9). This aspect of complimentary halves might better be understood as Ałch'į' Sila (Cody 2009). The story continues on about the increasingly more difficult tasks that humans encountered and how their leadership philosophy always guided them to the correct answers in order to avoid chaos (Benally 2006 10). In this way, balance and harmony became the preferred way to maintain human society.

Unclear is the exact point at which it became necessary to deal with balance and harmony. But rather clear is the impact that good and bad had come to guide the Diné in their efforts to maintain the balance and harmony their Creators instructed them to strive

for. Here notions of Hózhǫǫ́jí and (Hashkéjí) Naayéé'jí find their basis and remain today

a system used to balance good alongside the bad. [iv] Leaders, therefore, were instructed on

how to ensure that society and political order is maintained by use of Hózhǫǫ́jí and

(Hashkéjí) Naayéé'jí (Benally 2006 11). The story goes on to detail a feud between First

Man and First Woman in which each has affairs and bear children outside of their union.

This leads to fighting among the Diné. The story embodies the result of genders not

working together to compliment one another. The genders make up eventually but must

deal with the consequences of their misdeeds, i.e. the children. One of the illicit affairs

took place between White Shell Woman and Sun Bearer. White Shell Woman gave birth

to twin boys known as the Hero Twins. The boys go on to slay the other children born of

illicit affairs but 7 are spared as they plead for mercy. The seven remaining are hunger,

thirst, sleep, lice, indolent poverty, old age, and death (Benally 2006 12-14). It is said that

the Kinaalda of White Shell Woman is the basis for Hózhǫǫ́ji and the act of the Hero

Twins ushered in Naayéé'jí (Hashkéjí) Nahaghá. Note how each was necessary for the

Diné to exist in balance and harmony and that one will destroy while the other will allow

others to destroy or protect the society. As such both are necessary ways of governing.

Another aspect of leadership involves ensuring that obligations, responsibilities and

benefits are shared and distributed according to Diné ways. This notion is maintained by

virtue of K'é or loosely known as clan. This organization ensured, among other things,

that people knew not only what they were responsible for doing but also ensured that

people knew what they were entitled to (Benally 2006 16).

Traditional stories of existing and traversing various realms based on the

teachings of leadership skills can be taken literally or figuratively. For those that take

these stories literally, and many still do, the question must be asked, "Why have such a process of leadership if there is a lack of central Diné leadership?" The answer hints at the context for understand the Naachid or the only remaining knowledge that has been shared regarding centralized Diné governance. Historical documents indicate that a Naachid met up occasionally to deal with issues which impacted more than one group of Diné that were lead by a single Naat'áanii. Several Naat'áanii, between 12 and 24, would get together to discuss issues which impacted all Diné (Benally 2006 28; Wilkins 2003 70-71). The western term for Naat'áanii might be headman (Benally 2006 28). Scant details reveal that the Naachid may have meet every 2 to 4 years while other records suggest the meetings were not so mechanical (Wilkins 2003 71). Records agree that the Naachid was called during a period of crisis regardless of the number of years since the last Naachid (Benally 2006 28; Wilkins 2003 71). Some state that the crisis at hand was what dictated which Naat'áanii had the floor. During periods of war, it is said that the Naayéé'jí Naat'áanii had the floor. During periods of non-war, the floor was held by the Hózhǫ́ǫ́ji Naat'áanii (Wilkins 2003 71). Yet one must wonder if the division was this exact. Since Diné philosophy requires that both approaches compliment one another, one must reconsider the notions of who was in charge. It might be better to assume that crises merely allowed one group or the other to set the agenda.

One of the most detailed accounts of how the last known Naachid was carried out comes from Raymond D. Austin's dissertation entitled, "Navajo Courts and Navajo Common Law" (2007). Austin states that the last known Naachid took place in the 1850's at Tsin Sikaad (Lone Tree), an area about 12-14 miles northeast of current day Chinle (Austin 2007 28). A large ceremonial Hooghan was constructed with a diameter

of 40 feet (Austin 2007 29). Hózhǫ́ǫ́jí Naat'áanii sat on the south side of the Hooghan and the Hashkéjí Naat'áanii sat on the north side. Balance was maintained by having the families of the Hashkéjí Naat'áanii sleep on the south side of the ceremonial Hooghan where Hózhǫ́ǫ́jí Naat'áanii sit during the Naachid. Families of Hózhǫ́ǫ́jí Naat'áanii resided on the north side of the Hooghan near the seating of the Hashkéjí Naat'áanii during the ceremonial proceedings (Austin 2007 29-30). One can speculate how the layout was consistent with the notion of Ałch'į'i Sila. Further, Austin suggests that the living arrangements are consistent with Navajo Common Law (Austin 2007 30). Still, debate among scholars points to questions involving the purpose of the Naachid.

AnCita Benally calls into question the academic record regarding the existence of the Naachid in isolation of another complimentary and *feminine* approach to decision making. Given that the last Naachid is said to have taken place prior to The Long Walk. Benally argues that it may be that the feminine aspect of leadership was solely relied upon when the Diné returned from their incarceration at Bosque Redondo (Benally 2006 28-30). Her research points out the following interesting tidbits:

> If war or a collective hunt was the purpose, Naayééjí Naat'áanii chanted, said prayers, then silently with only gestures, selected those who would participate in the hunt or war. Upon completion of their assignment, the selected group returned, reported and revealed the results of their mission. (Benally 2006 30)

Yet, there is no mention of ways in which crises not related to war or hunting were dealt with. She assumes that Naachid gatherings might be related to what contemporary political scientists call issues of foreign policy. The ability to feed one's people is a foreign policy question today because it requires that the state secure itself to the point

that it can grow and distribute food to all its citizens. Thus, one might consider a lack of prey for hunting a foreign policy problem. Simultaneously, the issue of war is most obviously a foreign policy question. Benally correctly wonders how issues related to internal or domestic crises were dealt with. Benally links these issues to the domain of Hózhǫ́ǫ́jí and wonders how clans were adopted by the Diné. Since accepting refugees into a society today is probably best considered a domestic affair of immigration and naturalization, it makes sense that some form of gathering must have been convened to deal with adopting clans at the very least (Benally 2006 32-33). There is other evidence to support Benally's argument that she herself did not offer in her writings.

A similar argument is offered in a book called, "Violence Over the Land" (2006). An overly simplified take on the argument is that because western historians rely on primary and secondary research sources, the oral traditions of Indigenous communities (the primary and secondary sources of Indigenous people) are left out of their research. Therefore, as Blackhawk demonstrates, by relying on European and Indigenous sources, a new take on the history of the Southwest emerges in which Indigenous actors appear much more active in shaping the southwest. The same can be offered regarding the anthropological record regarding the Diné. Could it be that anthropologists of the era were much more interested in recording the recollections of men? Since men run the European cultures, it might be that European men simply assumed that Indigenous communities did the same. Therefore, no one bothered to talk to women regarding the record on a feminized ceremonial gathering similar and complimentary to the Naachid. Similar arguments are made regarding the recording of oral stories of various Indigenous peoples (Deloria 2006). Another aspect is that Diné cultural norms of the time would

have prevented Diné women from being alone with a non-Diné man. Two aspects are at work here. In the first place, Diné women were not to talk to men of any ethnicity unless it was their husband or a relative. So unless a white male anthropologist was married or related to a Diné Naat'áanii woman, alone time would have been a cultural norm violation. A second issue is that interaction with a person not related to the Diné was probably considered an issue of Hashkéjí or protection way. In western terms, dealing with a non-Navajo was a question of foreign policy. These occurrences conspired to obscure the feminized complimentary version of the Naachid. One obvious and simple answer is the beauty way (Hózhǫ́ǫ́jí).

What has been written is the first attempt to come up with a Diné philosophy of governance in the same fashion that has been done for European philosophy of governance. Diné philosophy of governance is necessary for those who want to understand why and how Diné governance is in its current shape. This approach attempts to highlight the foundation of traditional leadership. It may uncover gaping holes which exist in contemporary Diné governance. It is said that the Holy People left the earth people with instructions on how to lead themselves. These gifts and obligations remain today (Benally 2006 38). While new challenges have presented themselves in the current era, there is little reason to believe that the above instructions are no longer relevant. One unfortunate turn of events is that the record on interaction between Diné and colonial actors has been dominated by the writings of colonial actors. As such, it is difficult to give a balanced account of Diné international interaction with colonial actors.

B. Interacting with the Colonial Actors

There are a total of 19 treaties signed between the Diné and colonial actors. There are 4 treaties signed with Spain. There are 6 treaties with Mexico. There are 9 signed with the United States but only two were ratified by the U.S. congress (Wilkins 2003 21-22). These are the only *known* treaties. Yet the known treaties hint at a policy of confusion. Colonial actors had a habit of hand selecting Diné individuals as leaders that were supposed to advance the interest of the U.S. An example of this is Diné headman Don Carlos. He was considered friendly to the interests of the Spanish and was "civilized" in contrast to the rest of the people that let themselves be dictated by "fear" or "profit," (Wilkins 2003 72). This anecdotal evidence suggests that other interactions between colonial actors and the Diné were characterized by similar problems.

1. Relations with Spain

What follows is an historical account of the international relations of the Diné with Spain. The known treaties are included in Figure 2.1. It is almost exclusively based on the archival records on treaties. Many questions remain about the motives of the Spanish and the actual thinking of the Diné negotiators but this information is practically non-existent. The archival record is supplemented with historical events of the era.

Spanish Indigenous relations in general begin around 1516. The Spanish are said to have arrived by 1519 off the coast of Veracruz. By 1521, Spain had overrun what would become Mexico City and set up a colony christened New Spain (Foster 1997 233). The general pattern of conquest was to subdue the Indigenous population by war and disease where possible. (The disease aspect of annihilation was an accident of *luck* for the Spanish more than anything else.) Regardless, the Spanish crown was unable to subdue

all the Indigenous populations by use of military force. Their diseases only spread as far

as their physical presence was tolerated. It is under these circumstances that Spain went

into negotiations to appease the stronger Indigenous groups too far from Mexico City for

militarily conquest. Another factor was that many Indigenous groups could not be

overrun militarily. Spain, recognizing their relatively weak position, chose to appear

strong and intimidating on paper. It is under these circumstances that Spain entered into

treaties with the Diné.

Table 3.1 – Treaties with Spain [Source: (Wilkins 2003 21-22)]		
Date	Location	Purpose
1706	Santa Fe	Peace and Alliance
1786	Rio Puerco River	Military Alliance
May 12, 1805	Jemez Pueblo	Peace, trade, and alliance; exchange of prisoners
Aug. 21, 1819	Jemez Pueblo(?)	Peace, return of Navajo captives

The record on the first contact between the Diné and the Spanish is scant. The

first known contact apparently occurred in 1583 when Antonio de Espejo, a Spanish

explorer, encountered the Diné in present day New Mexico (Wilkins 2003 203). When

specifically related to Diné and Spanish relations, there are no records of treaties prior to

the 1620's. The earliest known peace treaty was arranged by a Spaniard named Fray

Alonso de Benavides in his efforts to convert Diné to Christianity. This account dates

back to the 1620's and there is apparently no record of the negotiation itself (Brugge and

Correll 1971). It is believed that extensive slave raids against the Diné began around

1620 and probably involved the Spanish and other Indigenous tribes of the southwest,

(Wilkins 2003 204). These raids would obviously create a hostile relationship between

the Diné and the Spanish. Treaty evidence is again found in 1706, yet no written form

survives. Scholars like Brugge and Correll are left to assume that verbal agreements were used to end conflict. While Brugge and Correll conclude that no treaties during the 1700's exist between Spain and the Diné, they fail to note apparent discoveries made by Kappler, as well as Deloria and DeMaillie (Brugge and Correll 1971 2; Deloria and DeMallie 1999 133; United States. and Kappler 1972; United States., Kappler, and United States. 1971; United States., United States., and Kappler 1903; United States., United States., and Kappler 1904).

While not an actual treaty, a description of activity presents an unclear picture. Spanish documents indicate that they believed a conspiracy existed to cause their colonial settlements harm. Examining these details of fear generates evidence of early forms of treaty making between the Diné and Spanish peoples. This document is a letter to the governor of New Mexico Don Juan Bautista. The document is attributed to an alliance between the Diné and the Gila Apache in which both tribes made war against the Spanish (Deloria and DeMallie 1999 133; Wilkins 2003 204). This is the first recorded instance in which the Spanish hand picked a Navajo man as the supposed Chief of the entire nation (Wilkins 2003 205). The language depicts the Spanish as the superior actor or otherwise the soveriegn of the area. The Diné are chastised for their "lack of confidence" and their "mistaken conduct in not declaring themselves openly and generally against the Apaches" (Deloria and DeMallie 1999 133) The note implies a "great benefit" the Diné would receive for agreeing to declare allegiance to the Spanish in their conflict with the Apache. The document goes on to indicate the need for an intermediary to handle any "misunderstandings" that may come up during the course of the agreement. The term "misunderstandings" is never explicitly defined or elaborated upon. In the end, there are

five named requirements that the Diné are expected to hold steadfastly to:

1. That they maintaining as they proposed the required subordination and fidelity, the protection of the king would be sought and declared in their favor.
2. That to bring about the declaration of war against the Gilas one of the chiefs named with only Navajos and the interpreter should set out on a campaign at the will of the governor at the end of July of this year, so that besides their performance in the past year, the enemies might have this new proof that the Navajos were now moving frankly and voluntarily against them.
3. That from the people who might not be included in this expedition, that chief should hold out those whom he might consider fit to go as auxiliaries with the monthly detachments of troops this reinforcement he fixed right there at thirty individuals each month; for these individuals the Navajo accepted with much gratitude the aid of horses and supplies dispensed by the Commandancy-General.
4. That from the moment the council was dissolved they should go down to occupy their old camps to plant their seeds, and that, concerning the security which the governor guaranteed them in conserving the sustaining them in that situation, they could proceed to build sod huts.
5. Lastly, that for these ends proposed and to prove their acquittance, they received and assured on their part the life of the interpreter offering to be directed by his advice. (Deloria and DeMallie 1999 134)

Looking at the five conditions for peace, you begin to see an aura of superiority on the part of the Spanish. Condition one demands subordination of the Diné. Condition two is a strategy point for the Spanish. Here they make apparent the need for the Diné to become enemies with the Gila Apache people. The condition is written in a way that implies that all should implicitly understand the declaration of war between Diné and Gila Apache. Condition three involves the giving of horses and supplies to the Diné in return for cooperation. Condition four requires the Diné to become farmers and stop moving around. It is an attempt to re-make the Diné in the image of the Spanish. Condition five affirms that the Diné agree to the four previous conditions and agree to accept the advice of a Spanish interpreter (Deloria and DeMallie 1999 134).

Such language may not be the actual terms that the Diné and the Spaniards agreed

to. There is no evidence of a meeting of the minds. There really is no way to know exactly what language was used during negotiations. There also is no way to understand if any of the negotiations were embellished when the letter to Don Juan Bautista, the governor of New Mexico at the time, was written. What can be established is that the language used was condescending toward the Diné. The language was meant to impress a sense of superiority on the part of the Spanish with veiled threats of harm as well as explicit promises of great benefits being bestowed upon those that lived up to the letter of the treaty. When one considers the actual military might of the Spanish in relation to the Diné, one can safely conclude that the treaty was more bark and less bite, a true indication of the Spanish inability to bite.

Early treaties maintained the use of condescending language and made implicit and explicit threats with little ability for implementation. The first written treaty appears in 1805 following a bitter war between the Diné and the Spanish (Brugge and Correll 1971 2). It was during a long year of war with the Spanish. After 100 Diné were killed, several bands of Diné sought peace (Wilkins 2003 205). The representatives involved were Fernando Chacon, governor of New Mexico and Cristobal and Vicente of the Diné (Deloria and DeMallie 1999 144). A prior proposal for a treaty drafted by Chacon, Spanish governor of the region, was said to have contained harsh language. Limits were placed on territory of the Diné, stock taken by the Spanish during the war was not returned, a disproportionate amount of Diné captives were returned compared to the number of Spanish captives demanded in return, and no gifts or food were given to the Diné when they needed to visit Santa Fe to see the governor regarding acts of diplomacy (Brugge and Correll 1971 3). This proposal was not used to make peace with the Diné for

reasons unknown. Some scholars suspect that Spain's actions yield the answer.

Chacon was removed from his post as governor prior to peace being reestablished. The argument is that the Spanish Crown was not happy with the way Chacon handled the treaty making process, and he was replaced with Joaquin Real Alencaster (Brugge and Correll 1971 3). The treaty of May 12, 1805 is a more cordial agreement with language depicting reciprocal demands of the parties. Five conditions exist but only four are listed as they are a concise indication of the tone of the treaty:

1. That at no time shall they make any claim to the lands of the site called Cebolleta
2. That they shall restore to us the two children that they have handed over to me, and any other captives which are found in their power
3. That they will make no alliance, treaty, nor communication with a nation or band hostile to us, and that on the occasions which might arise, they will also make war
4. That if any of their nation commit a robbery or other damage on those of this province, their chiefs will hand them over that they may be punished. (Deloria and DeMallie 1999 144)

The terms, in general, are far more neutral than the treaty of 1786. Condition one reads like an agreement, ceding the area of Cebolleta, a place where the Spanish had established a settlement (Brugge and Correll 1971 3). While condition two does not read as reciprocal, it should be in reference to condition five in which sixteen prisoners are "handed over reciprocally" in return for the two children mentioned in condition two. Condition three is an alliance between the Spanish and the Diné. One could interpret this clause, in light of the last alliance made in 1786, as evidence that the Diné were now considered a military power capable of bringing a benefit to the Spanish. Although the language is not reciprocal in that the Spanish are not obligated to defend the Diné, the clause reads like a mutual agreement. Condition four is a jurisdictional clause allowing the Spanish to punish Diné that commit crimes against the crown. The 1805 treaty is

devoid of condescending language indicating that the nature of the relationship may have

changed. War with the Diné may have forced the Spanish to respect their enemy.

What can be ascertained by the two treaties examined is the change in the

relationship between Diné and Spanish people. A final treaty between the two was signed

August 21, 1819 and has been characterized as, "one of the longest and most complex

treaties ever made with the tribe" (Brugge and Correll 1971 5). Here, the Spanish have

elected to enter into a treaty with a Naat'áanii named Joaquin. Joaquin went to the

Spanish in an effort to make peace. He also warned the Spanish that other Naat'áanii

were preparing for war because they remained angry over land encroachment. Joaquin's

actions, which included moving away from other Diné bands and cutting ties, placed him

in the position of traitor to his own people (Wilkins 2003 72). Despite this situation, the

Spanish considered Joaquin the "Chief of the Navajos" as is apparent by his signature at

the bottom of the treaty of 1819. A total of eighteen conditions are listed yet some of

these numbered notations can be condensed into far fewer conditions. The treaty first

establishes an intermediary, seemingly to prevent confusion concerning who the Spanish

should address when problems arose. It is clear that the Spanish want to have the Diné

name a leader in the same form that they have made their own leaders known. This leader

will be required to live near a Spanish intermediary to help solve problems before they

erupt into war. Punishment for crimes against Diné by Spaniards and vice versa is meted

out according to a negotiated agreement on a case by case basis. Yet this condition is

backed away from in the next condition stating that if the offender is Diné, the person

will be punished by the Spanish because the Diné lack the ability to properly punish

individuals and extract compensation. Should the offender be Spanish, the Spanish

government will decide what punishment and compensation is necessary.

Other conditions include backing away from war when conflict emerges between individual members of the two groups. Apparently this is meant to offset war for the sake of every single dispute that breaks out between Spaniards and Diné. We might assume that many past wars were over the dispute of very few individuals. Condition ten is the most interesting because of its condescending language:

> 10. In the name of the Sovereign (although with their ill-timed and senseless hostilities they have been made undeserving) there is conceded to the said Navajo Tribe the lands that until now they have made use of for planting pastures and other uses that might be applicable to them, with such reforms as have been repeatedly proposed, they should observe peace and harmony with the Spanish, half-breed and Indian people of the province. – Agreed with thanks. (Deloria and DeMallie 1999 146)

Here the word Sovereign is used to describe only one group and not both. Not a clear cut case of a superiority complex, but it is a hint at the perspective the Spanish take with relation to the Diné. Then, the Spanish make an assessment of the Diné calling them undeserving of a concession due to "senseless hostilities." The concession seems to involve land that the Spanish themselves admit they have no right to use. This is based on a statement in which the Spanish recognize their use of land the Diné have historically used.

The other conditions follow almost reciprocally allowing for livestock raising by Spanish on Diné land, while no Diné land was ceded. If anything, condition twelve established an informal knowledge of boundaries the Diné have always considered relevant. Arrangements were made for the appointment of "hostages." These were the Diné individuals who were to stay with the Spaniards. These individuals would be replaced with other Diné individuals occasionally. The treaty even takes jurisdiction over

Hopi by making the agreement that the Diné are not to disturb them. Condition seventeen is interesting in that the Spanish attitude is once again made apparent:

> 17. In just return this government expects a perpetual peace and sincere and cordial harmony, to which on its part it will contribute with great care, rejoicing henceforth, so that saturated by so much kindness they will comfort themselves gratefully, and the Navajo general, the captain and other individuals will carefully flee from all that could alter such a beneficial situation, they will raise their livestock, will tranquilly cultivate their lands, and enjoy the fruits of their labors in abundance and the energetic protection of the Monarch of the Spains that loves them tenderly, desires their happiness as the superior government. (Deloria and DeMallie 1999 147)

This condition may prove slightly more difficult to rule as condescending due to the lack of direct language stating such. However, since other passages in this same treaty assume a place of superiority, it cannot be imaginable that this position would be relinquished by the Spanish mid-treaty. The first suspect phrase is "beneficial situation." There is no evidence that the Spanish presence is really beneficial to the Diné. The next line hints at the need for the Spanish to have the Diné behave as Europeans by "tranquilly cultivat[ing] their lands." But the most obvious point of assumed Spanish superiority involves the statement placing the Spanish Monarch in the role of "protector" of the Diné. The language is poorly written in that the phrase "as the superior government" could be interpreted to mean that the Diné are the superior government. However, for reasons forwarded earlier, it can be assumed that the Spanish are represented as the superior government. Regardless, when only one Naat'áanii signs and that single Naat'áanii is considered a traitor to other Diné, one should have little confidence that the treaty of 1821 would bring lasting peace.

A tidbit of interest in the line of the three Spanish treaties for which we have written evidence deserves some attention. They all contain condescending language and

empty threats against a Diné-based uprising. Far too many loose ends that beg for elaboration exist. Regardless, the record indicates a Spanish superiority complex. We are left with a record of Spanish power that is mostly incapable of enforcing such treaties. Most of all, we are left with a Spanish crown only willing to make treaties with Indigenous groups far outside their control center. Yet little change in attitude can be expected from the Mexican government that would replace Spain after this treaty was made. For the most part, Mexico was only born out of greed by former Spanish subjects that recognized impotence on the part of the Spanish crown to keep control of its colony. That greed would also lead to ill-treatment of vulnerable Indigenous groups. Those out of the reach of Spanish rule were deferred to another time and place when Mexico gained enough power to subdue what they perceived as a block between themselves and prosperity: Indigenous people.

2. Relations with Mexico

The relationship with Spain and the new world had run its course by 1821. A coalition for the break between the Spanish crown and Spanish colonizers in Mexico City began emerging by the beginning of the 1800's. Today, Mexico celebrates the 16th of September as the day of Mexican independence. It was on this day in 1810 that Miguel Hidalgo made known to the crown that a true effort for independence was in place. Spain tried to maintain control of the colony by executing Hidalgo in 1811. Hidalgo's successor, Jose Maria Morelos, was also executed in 1815. By 1821, enough support for Independence was garnered and Spain yielded to the pressure by severing its control over its former colony (Foster 1997 235). Among other benefits and problems, the Diné were one of the "problems" left behind for the newly formed Mexico to deal with.

As with any international threat to European style sovereignty, the Mexican government chose to interact with their enemies via war and diplomatic relations, i.e. treaties. A table of treaties with Mexico is included at Figure 2.2. The main theme of the period in which the newly independent Mexico attempted to exert control over historically Diné land is best conveyed by one word: "chaos". Mexico experienced many problems including corrupt leaders in the form of Emperor Iturbide. Another issue involved an economic legacy that included a 75 million dollar debt for the war of independence. Also, a fight for control of the country between status quo groups such as the creoles, the church and military leaders such as Santa Anna, and the Mexican American War plagued the country. Yet, there still existed the problem of "Indians" and raids into Mexican occupied settlements (Foster 1997 121).

Table 3.2 – Treaties with Mexico [Source: (Wilkins 2003 21-22)]		
Date	Location	Purpose
Oct. 29, 1822	Zia Pueblo	Peace, trade, return of all white captives
Feb. 12, 1823	Paguate Pueblo	Peace, return of all white captives
Jan. 20, 1824	Jemez Pueblo	Peace
June 18, 1824	?	?
1835	?	?
July 15, 1839	Jemez Pueblo	Peace, trade, and alliance; return of all white captives
March 10, 1841 – draft of negotiating points – only known evidence of terms for next treaty (1841)	?	?
Sometime between April and May 1841	?	Peace, trade, return of all white captives
May 8, 1841	Santo Domingo Pueblo	Peace, trade, return of all white captives
Mar. 23, 1844	Santo Domingo Pueblo	Peace, trade, return of all white captives

Mexico continued using settlements established by Spain in what became the state of New Mexico during this period. Areas of note include Pueblo of Jemez, Pueblo of Laguna, and Villa de Santa Fe, among others (Jenkins et al. 1974 18). At the time of Mexican independence, the central government in Mexico was so unstable that many times New Mexico exhibited a more stable example of government. Nonetheless, problems persisted. One ambiguity was the lack of clear laws. With Spanish and Mexican law not clearly defined, many people in power followed whatever was convenient for their given situation. Thus, governors of the New Mexico Territory changed frequently and that also meant attitudes toward the Diné were chaotic.

By 1821, the Treaty of Cordova made all Indigenous peoples in the territory claimed by Mexico citizens of Mexico. Facundo Melgares, governor of New Mexico,

was the diplomat responsible for negotiating peace between the Spanish government and

the Diné. He survived the transition to independence and oversaw the first treaty between

the Diné and Mexico. During 1822, a delegation of 13 Hózhǫ́ǫ́jí Naat'áanii approached

the Mexican government officials. Diné philosophy of governance should indicate to us

that had the delegation been interested in war, the Hashkéjí Naat'áanii would have made

contact. The Mexican officials killed the Naat'áanii for reasons unclear to us today

(Wilkins 2003 205). Secondary reporting of written negotiations indicates Melgares

wanted much harsher language than the finalized treaty version of October 29, 1822.

Some demands included a return of "apostates" which some scholars believe were Pueblo

refugees under Diné protection. Additionally, boundary restrictions appear in negotiation

documents unavailable to this researcher. All of these demands were enforced under

threat of resuming the war. Past researchers point out that the actual treaty lacks the harsh

language proffered in negotiation documents. Most intriguing is the boundary-restriction

language being eliminated from the treaty (Brugge and Correll 1971 7). One possible

inference involves the inability for Mexico to enforce many of their own demands.

Another inference is that the Diné recognized the impotence of Mexico thereby

eliminating the boundary restriction language from the treaty. Such inferences are

supported by the previously documented problems Mexico inherited upon independence.

The 1822 treaty still has condescending language placing Mexico in an apparent

position of power it lacked. The treaty of 1822 stated that peace was granted by the

Spanish. A second clause indicates that past treaties will remain in force. Clauses three

through seven taper off in harsh language and indicate a sense of parity between the

negotiating parties. Such clauses include a stipulation that all parties "forget" the injuries

caused forever, Diné remain at liberty to trade and travel within Mexican provinces (probably meant to specify the province of New Mexico) and the offer of a general to the Diné is made (Deloria and DeMallie 1999 149). Only speculation can be offered as to why the next treaty was drawn up.

For reasons that cannot be ascertained at this time, a treaty was drawn up between Diné and Mexico. Reports by historians indicate that no war took place in 1823 between Diné and Mexico. Histories of Mexico and New Mexico do not indicate anything outstanding that may warrant peace negotiation or re-negotiation. One change that is apparent concerns the appointment of Jose Antonio Vizcarra to the position of Governor of New Mexico. One scholar, being perplexed by the treaty itself, wrote, "The conditions demanded were so unrealistic that it can only be presumed that Vizcarra was trying to start a war." (Brugge and Correll 1971 9). Yet with so many obstacles barring an expensive war, it is difficult to understand how such an endeavor is rationalized as logical (Brugge and Correll 1971 33-34). [v]

The treaty of February 12, 1823 demands that all Mexican captives should be returned by the Diné. It also stipulates that any Diné in Mexican custody should be returned if the Mexicans wished to do so. Other demands include the return of any and all items stolen from Mexicans by Diné and the conversion to Catholicism as well as the adoption of a European inspired life via settlement. These demands were not met, apparently, and a negotiated reply is recorded in the treaty. The Diné agreed to hand over captives they had. Diné also claim they are "dying of hunger" and therefore cannot return the items stolen in raids. It is then stipulated that Diné will not steal from the Mexicans in the future. The final demand of conversion was side stepped for four months pending a

discussion regarding the matter among the Diné (Deloria and DeMallie 1999 153). The fourth demand was not addressed in the four month period, and Vizcarra went to war in response, yet little is known of the outcome. A treaty was apparently concluded on June 18, 1824 but the text has been lost along with its terms. Peace was negotiated again in 1835 but no record of the circumstances leading up to or conditions of the peace is known (Brugge and Correll 1971 10).

By 1839, another peace treaty was necessary between Diné and Mexico. The circumstances leading up to the treaty are not well known. With seven well defined clauses, the treaties are taking on a more "boilerplate" context than past treaties had exhibited. The use of demeaning language is used once again in the introduction. The Diné are referred to as being in a situation of "humiliation" leading them to seek peace. No hint is given of the Mexican need for peace. The treaty calls for a return to peace and commerce and a return of captives on both sides. Clause three assigns blame for the war on Diné stating that the Diné will refrain from "disturb[ing] the order with the citizens of . . . New Mexico." Other clauses call for trade to resume, Diné "murderers" are to be punished by Mexico, yet Mexicans that cause a death will pay "30 sheep . . . for the dead man" and the guilty individual will be "punished according to law." The language in the treaty implies Mexican law will control all parties (Deloria and DeMallie 1999 164).

Clause six of the 1839 treaty is interesting and reads, "In case any Navajo Indian woman succeeds in escaping by fleeing from the house of her master, on arrival of the said woman in her own land, when it is verified, that she remain free and without any obligation of the nation to give anything for her ransom." (Deloria and Wilkins 1999 140-141). Admittedly a leap of inference, one potential hypothesis is that the 1839 treaty was

dealing with the kidnapping of Diné woman for use as servants by well-to-do Mexican citizens or some other form of slave trade. Evidence of such activity is more explicitly apparent on July 18, 1868 when the U.S. Congress passed Joint Resolution 83 prohibiting the peonage of Diné women and children for the purpose of serving Mexican elites (Deloria and Wilkins 1999 141).

The final clause is an agreement to defend one anothers nations from enemies of Mexico and Diné. The language attempts to give the clause a moral implication. In other words, if the Diné allow others (colonial actors or other Indigenous groups) to invade either their own land or the land claimed by Mexico, such allowance would be an insult to their honor as a nation. Arrangements are made so that one or two Diné live in the Cebolleta and Jemez settlements to facilitate communication, perhaps as diplomats do today, between the two nations. A simpler interpretation is that the two would be hostages. The treaty mentions how the Sahuanos, the Comanches, and "barbarous tribes" are expected to invade Mexico (Deloria and DeMallie 1999 165). This period of "peace" exists for apparently one year as reports of peace talks emerge in again 1840 (Brugge and Correll 1971 11).

In 1840, the Diné hold a Naachid near Tsé yí, or Canyon de Chelly, with their intent to make peace with the Mexican government (Wilkins 2003 206). It is unclear if peace was reached by April or May of 1841. The original signed treaty has gone missing and scholars are left with a draft that cannot be taken as the actual terms of the peace agreement. A draft of negotiations dated March 10, 1841 has been attributed to shaping the peace of April/May 1841. The March 10, 1841 document amounts to a list of demands laid out by the Mexican government. Such demands included a move for "peace

and commerce", a hand over of all Mexican captives in Diné custody, and recognition or acknowledgment by the Diné that the Mexican government is a "superior all[y]". One goal of the actual treaty is the removal of "all motives for resentment" presumably on the part of the Diné. A final goal is to impose Mexican law on Diné for crimes committed while making sure that if Mexicans commit a crime against the Diné, a "certain fee" will suffice (Deloria and DeMallie 1999 165). One inference that may be cautiously drawn is the lack of deviation concerning condescending language toward the Diné. It may be that since the Diné did not read Spanish, it did not matter how badly the language attempted to demean them. On the other hand, one might expect to find even more arrogance on the part of Mexico when dealing with internal documents concerning treaty negotiations. The former argument seems to make more sense.

By 1844 a new treaty is needed. On March 23, the final known treaty was recognized by the Diné and Mexico. A total of eight clauses in which the seventh was deleted, delineates the same things that the last treaties request. The clauses call for peace and commerce, surrender of captives, surrender of thieves to Mexican authorities, and other directives. Clause five is unique in its request: "The Navajo Chieftains understand that if they again raid the Department, with only this act, even when they afterwards request peace, it will not be accorded to them and war will be made continually upon them." (Deloria and DeMallie 1999 172) Perhaps such is a clue into the reason, from the perspective of the Mexican government, that so many peace treaties, with similar language, have emerged for the period. Alternatively, a raid on the "Department" may have been a relatively new phenomenon that was so drastically costly that it warranted a single clause and the threat of perpetual war, an empty threat to say the least.

With problems emerging on all sides, the Mexican government would not have a hand in the traditional Diné homeland much longer. By 1846, the U.S. recognized the weakness of the Mexican government and used an invasion to fulfill its goal of "manifest destiny" making the position of the Diné all the more complicated. On August 18, 1846, the change in sovereignty of the Spanish/Mexican settlements occurred. Historians suggest it was a peaceful process in which Brigadier – General Stephen Watts Kearny declared that the formerly Mexican territory was now a part of the United States of America and that the former Mexican citizens would be afforded the protection of the U.S. government (Jenkins et al. 1974 33). It would take the U.S. and the Diné just four months to find it necessary to formalize an agreement between them.

<div align="center">3. Relations with U.S.</div>

The United States naively believed that a peace treaty with the much more powerful Diné would secure the Southwest Territory although the past two governments had attempted the same method and failed. See Table 2.3 for a list of treaties with the U.S. Some scholars have broken the U.S. treaty making process into at least two stages. Stage one took place prior to 1849 and dealt mainly with regulating commerce among tribes (Deloria and DeMallie 1999 60). The U.S. attempted to exercise control only since 1846 allowing only enough time to create two treaties dealing with commerce. Thus, the 1849 treaty between the Diné and U.S. is said to mark the second stage in U.S. treaty making meant to legitimize the U.S. claim to said lands (Deloria and DeMallie 1999 60). The U.S. and the Diné entered into nine peace treaties between 1846 and 1868. These treaties were signed in 1846, 1848, 1849, 1851, 1855, two in 1858, 1861, and 1868. Of the nine treaties, only two were ratified by U.S. Congress (Wilkins 2003 72).

Complicating matters are several treaties never ratified by the U.S. Congress. Historians

and other scholars are left with many questions concerning the perspective the Diné took

with respect to non-ratified treaties.

Table 3.3 – Treaties with U.S. [Source: (Wilkins 2003 21-22)]		
Date	Location	Purpose
Nov. 22, 1846	Bear Springs (Ft. Wingate, NM)	Peace, trade, exchange of prisoners
May 20, 1848	Monte Del Cuyatana (Beautiful Mountain)	Peace, trade, return of all Navajo captives
*Sept. 9, 1849	Canyon de Chelly, AZ	Peace, trade, return of all Navajo captives
1851	?	?
July 18, 1855	Laguna Negra, AZ	Trade; established Navajo Reservation boundaries
Nov. 20, 1858 armstice	Ft. Defiance, AZ	Peace
Dec. 25, 1858	Ft. Defiance, AZ	Peace; established Navajo Reservation boundaries
Feb. 15, 1861	Ft. Fauntleroy, NM	Peace
**June 1, 1868	Ft. Sumner, NM	Peace; established Navajo Reservation boundaries

The general view of non-ratified treaties is that either the Diné or the U.S. rejected

the agreement in one way or another. But such a definition is problematic because

rejection can be taken to mean several things. Due to lack of documentation, it is not

known if a treaty was not given adequate attention by either the U.S. Congress, the

Bureau of Indian Affairs or the Diné. Complicating matters is the fact that many

agreements could potentially have been made between Diné and various Indian agents

and army officers that would not have been recorded or recognized by other agents of the

U.S. government. As a rule, such low ranking U.S. agents had no authority to enter into

contracts with the Diné. Still another complication was the imposition upon some

Indigenous groups, not necessarily the Diné, to not have written agreements (Deloria and

DeMallie 1999 1237). With such qualifications in mind, one remarkable change observed is the evolution of U.S. treaty making. What's more, Deloria and DeMallie point out that non-ratified treaties, "provide evidence of the kinds of issues that affected people on the frontier and eventually created a need for a more specific legal relationship spelled out in a later treaty." (Deloria and DeMallie 1999 1238).

The first treaty between the Diné and the U.S. was established on November 22, 1846. The agreement was the commencement of a meeting between upwards of 500 Diné and 100 Americans (Wilkins 2003 206). The agreement was short containing five articles. The entire document only took up half a page. It asked that a "firm and lasting peace" exist. The treaty also defined people of New Mexico and Pueblo Indians as American. Finally, the treaty promoted free travel to trade and that full protection be given by the host nation (Deloria and DeMallie 1999 1264). The language was a balance with the two nations appearing as equals. The treaty was not ratified by the U.S.

A second treaty, which the U.S. also failed to ratify, was agreed upon on May 20, 1848. During this time, the Treaty of Guadalupe Hidalgo was signed between the U.S. and Mexico. In the treaty, Indigenous peoples are claimed under the jurisdiction of the U.S. There were no Indigenous peoples represented at the negotiation (Wilkins 2003 206). This second treaty may have been meant to replace the 1846 treaty and to gain approval by all parties involved. This treaty contained five articles and the language was slightly harsh in only one instance in which payment in the form of sheep is demanded by the U.S. for "expenses incurred . . . in this campaign." Some speculation concerning the article is that the sheep payment was merely compensation for the expedition that U.S. agents incurred while traveling to meet and sign the treaty (Brugge and Correll 1971 14).

The rest of the language asks for goals similar to the 1846 treaty: firm and lasting peace, mutual trade, repatriation of prisoners, etc (Deloria and DeMallie 1999 1264-1265). It is difficult to state for sure whether or not the non-ratified status of these first two treaties led to the negotiation of the third treaty that was ratified by U.S. congress.

The treaty of September 9, 1849 is the first U.S. attempt to legitimize its claim to Diné territory. The legitimization is made in terms of western concepts of land ownership in which governmental acquisition is conducted in the form of a titling of land and said title is placed in the name of the U.S. government for their disposal in the form of grants to private developers. The treaty is more complicated than previous treaties with a total of eleven articles. The treaty establishes jurisdiction over the Diné historical homeland, calls for a cease in hostilities between U.S. and the Diné, establishes the U.S. as governing trade between U.S. and Diné as well as outside parties, and establishes the Diné agreement to turn over an individual Diné person accused of murder, among other agreements. Territorial agreements include a clause stating that the U.S. will adjust territorial borders as is best suited for the Diné (Brugge and Correll 1971 68-71). Perhaps the true reason the treaty was ratified by U.S. Congress involved the clause allowing the U.S. to adjust the territorial boundary at their will with little opportunity for the Diné to contribute to such decision-making. One might assume that the treaty was leading up to plans for The Long Walk.

It is believed, based on research involving the primary documents of the era, that the U.S. was growing impatient with the Diné habit of defending themselves against slave traders and U.S. encroachment (Denetdale 2008 29). It appears that the U.S. was attempting to establish themselves as the only police force in the area. Although it is not

explicit, the U.S. was upset that the Diné did not turn to the U.S. when they were assaulted by other Indigenous groups and New Mexican citizens (Denetdale 2008 26). A second reoccurring problem involved the lack of coercive leadership among the Diné and the impact of unwillingness or inability to stop all people from raiding against non-Diné people (Denetdale 2008 30; Wilkins 2003). There was no way that the 1849 treaty could last because Narbonna, a Hózhǫ́ǫ́jí Naat'áanii, was killed and scalped during the negotiation process (Denetdale 2008 30-32). This murder was taken as an insult by the Diné since Narbonna's role was not to make war. Secondly, Narbonna had a great reputation among his people in vociferously pushing for peace in the face of obvious instances in which Diné were continuously taken advantage of, harassed, enslaved, and killed with little cause. To the U.S., Narbonna was no better than the outlaw Diné that kidnapped and sold their own people into slavery. The enemy Navajos are known as Diné Ana'ii (Wilkins 2003 207). With anger on all sides, the fighting continued on.

The treaty of September 10, 1851 has apparently been lost to time. It took place because a different group of Diné wer asked to agree to the terms set forth in the 1849 treaty (Brugge and Correll 1971 17). The second group of Diné reportedly did not take the negotiation process seriously for reasons unknown. After discussion of the treaty details, this Diné group determined that the 1849 treaty was entered into by a group of Diné that did not have the authority to treat for the "Diné Nation." The treaty was agreed to by this second group (Brugge and Correll 1971 72). Perhaps this was the U.S. at work learning from their past mistakes in treating the Diné as a single entity. A more sinister analysis is that the U.S. was simply covering as many bases as possible by obtaining agreement with the Diné to allow the U.S. to determine what was best for U.S. interests.

For reasons unknown, the treaty was not ratified (Brugge and Correll 1971 17). There is

more evidence that the Diné leadership process was not taking the U.S. treaty seriously.

By this time Fort Defiance was founded and Manuelito was considered the main

leader of the Diné. Yet evidence suggests that this was a title assumed by Manuelito only

for the purpose of negotiating treaties with the U.S. For his own people, Manuelito was

still a Hashkéjí Naat'áanii. A dispute over grazing land between Manuelito and U.S. army

leaders became an eighteenth century cold war. Each group escalated the tensions by

grazing on certain lands while the other slaughtered the grazing cattle. Manuelito offered

his resignation as "Chief" of his people. He no longer wished to serve as the figure head

leader for the purposes of negotiating with the U.S (Denetdale 2008 32-34). All the while

the ambition of the U.S. remained undeterred as they struggled to protect their New

Mexican citizens from many Indigenous peoples.

Because the U.S. was already conducting the systematic curtailing of Indigenous

people's way of life, it may not be a surprise that the next treaty was a giant leap in terms

of its intended result. The treaty of June 18, 1855 was an attempt to set up a reservation

for the Diné. It is important to note the signatory for the Diné was not Manuelito but

Zarcillos Largos (as "Head Chief") probably because the former did not go along with the

U.S.'s demands (Wilkins 2003 207). Zarcillos did not agree with Manuelito's aggressive

stance as evidenced by the grazing dispute (Denetdale 2008 34). It is most probably a

build up from the last two treaties that introduced the idea of the U.S. acting in the best

interest of the Diné. Yet, when the U.S. could not back up its treaty talk, the Diné saw fit

to protect themselves in terms of war and raiding. A total of ten articles detail such

concepts as keeping peace among the Diné and other Indigenous groups and giving back

any captives obtained during fighting on both sides. The language of the treaty is more

legalistic than previous treaties. The main objective is the establishment of a Diné

reservation with parameters set by the U.S. It is also stipulated that the boundaries may

be changed at the discretion of the U.S. Payment is also set at approximately ninety-eight

thousand U.S. dollars over the course of several years. It appears the underlying goal was

to make the Diné into farmers and sheepherders. Another goal was to take the communal

land holding concept away in favor of individual ownership and "advance upon [Dine]

civilization." (Deloria and DeMallie 1999 1314) Archival records indicate that the treaty

was not ratified due to complaints by New Mexicans that not enough land was ceded by

the Diné (Brugge and Correll 1971 18). A draft of the reservation design set forth by the

U.S in the prior June 1855 treaty appears in a document entitled, "Articles of Agreement

and Convention, July 18, 1855" (Brugge and Correll 1971 73).

It is not entirely clear when the following events occurred. What is known is that

war was heating up again between the Diné and the U.S. An unknown Diné man killed a

slave belonging to a U.S. army representative, Major William Thomas Harbaugh Brooks,

which some believe was retaliation for the slaughter of Manuelito's cattle. Zarcillos

reiterated the lack of enforcement mechanisms between a single Diné leader an men from

other bands. It should be noted that racism played a role in the U.S. effort. Brooks, a

slave owner and southerner, believed that people of color were inherently inferior to

whites and that the whites must force their laws on all people of color (Denetdale 2008

33-34). It is believed that these events, among other skirmishes, preceded the next set of

treaty negotiations. An armistice was agreed upon on November 20, 1858 that was not

ratified by the U.S. nor agreed upon by the Diné. Speculation is that the treaty was never

submitted to the U.S. Senate. Instead, the treaty served to detail the conditions for a later treaty agreed upon on December 25, 1858 (Brugge and Correll 1971 18). The armistice was a thirty day truce allowing further treaty negotiations, drafting, and signing. The armistice demanded the adherence to rules set by agents, return of stolen horses, and the delivery of a murder suspect to U.S. custody (Deloria and DeMallie 1999 1336). The December treaty would include the armistice conditions and also set forth other conditions.

The treaty of December 25, 1858 formalized the armistice of the previous November. The treaty is a throw back to prior, less legal, treaties that set forth a demand that the Diné agreed to abide by. There no longer existed any demand for the U.S. to meet. An eastern limit on the Diné is imposed by the U.S. with the threat of destruction of livestock found outside the eastern boundary. The demands also state that lost or stolen property must be replaced. Finally, a single leader is to be designated by (imposed on) the Diné for the purpose, seemingly, of simplifying relations between them and the U.S. (Deloria and DeMallie 1999 1338). Reports indicate that the treaty was never presented to the U.S. Senate and rejected by Diné representatives. The overall assessment of the armistice and subsequent treaty is that it failed to change any actions of the Diné (Brugge and Correll 1971 20). The fact that this treaty was ever put together probably indicates that the last treaty was too strongly worded and that the threats the U.S. made could not be carried out.

The last known Naachid is carried out sometime in 1859. It is not known, but we might assume, that the discussion centered on relations with the U.S. On February 15, 1861, a treaty was entered into between the U.S. and Diné but was never ratified due to

the inception of the U.S. Civil War. Speculation abounds concerning the actual purpose

of the document. It could be an armistice drafted by soldiers to end a war and not meant

for submission to the Senate. Because of the U.S. preoccupation with southern rebels, the

New Mexican and Ute attacks on the Diné continued unabated by U.S. governmental

authority (Brugge and Correll 1971 21). The language harshly calls for the Diné to

submit to U.S. authority. The treaty also asserts a U.S. desire for the Diné to establish

settlements west of Fort Fauntleroy (Deloria and DeMallie 1999 1339-1340). Fort

Fauntleroy was renamed Fort Lyon and later the second Fort Wingate after the original

Fort Wingate was abandoned (Security 2009). Still Manuelito and his warriors

maintained war efforts.

As part of the treaty obligations set forth in 1861, the Diné would visit Fort

Wingate to obtain food rations, feast, race horses, and generally commune peacefully. It

is said that during one of the horse races, it was discovered that Manuelito's horse saddle

had been cut in an attempt to sabotage his racing abilities. The disagreement led to U.S.

soldiers indiscriminately murdering women and children in attendance (Denetdale 2008

38). These deadly conflicts coincided with the U.S. Civil War and the revival of the idea

of removing Indians from their homeland. Perhaps it was a stroke of luck, but the fact

that the removal plan for the Diné was implemented during the U.S. Civil War may have

prevented the plan from being as effective as it might have been otherwise. Conjecture

aside, it is clear that Fort Sumner was chosen as an internment/concentration camp for

Diné and Mescalero Apache people. Fort Sumner was chosen in spite of, or perhaps

because of, the fact that the land was prone to harsh summers and winters. It also had

alkaline water, inadequate wood, and was largely uninhabitable (Denetdale 2008 39). The

idea was to move the Diné to a land they did not know. Thus, confused, the old would die and the young would be educated as Christian farmers. Although it is not clear how effective the message was disseminated, the message was sent out that in exchange for their surrender they would be given food, clothing, and shelter while awaiting marching orders to their new lands (Denetdale 2008 40). The Diné called this plan Hwéldi. Diné refer to this time as "Nidahonidzoodą́ą́'" or the time of fear (Benally 2006 xv).

The U.S. campaign to remove the Diné was spearheaded by Indian fighter Kit Carson. Apparently his plan was to go through Diné land to burn hooghans, kill people that surrendered, and allow his soldiers to have their way with whomever they encountered (Denetdale 2008 42). As a result, many Diné probably did not realize that surrender was an option. It is believed that many simply interpreted the behavior of Carson and his men as a war of genocide. In what might be considered a form of guerilla warfare today, the Diné warriors followed the Carson outfit and attacked when they would let their guard down, thereby avoiding open European style warfare. This activity angered, humiliated, and embarrassed Carson (Denetdale 2008 42).

Eventually, the Carson campaign followed many Diné into Tsé yí, or Canyon de Chelly. Tsé yí was a Diné stronghold. It was known by and protected its people well. There are many stories of Tsé yí involving people waiting for years at a time while U.S. soldiers searched in vain. The Diné were capable of climbing up and down the canyon walls by using ladders constructed out of natural materials and pulling them away so the soldiers could not follow. Tsé yí is considered a gift to the Diné from their Creator. The area was a shelter to which the Diné could ask the Diyin Dine'é for help. In the end, however, the Carson slash and burn campaign took its toll and more Diné had no choice

but to surrender (Bighorse, Bighorse, and Bennett 1990). Yet relief was not coming for the Diné as is the case with many wars. Since wars of colonialism are quite profitable, the slave trade continued unabated as more Diné surrendered and agreed to march east to Fort Sumner. Conflicting reports indicate that Barboncito joined the people on The Long Walk to ensure they had good morale (Bighorse, Bighorse, and Bennett 1990 34-35). Less believable is that Barboncito was caught with a small group in Tsé yí and forced to join his people on the walk (Denetdale 2008 45). It was only after Manuelito and his group held out as long as they could did they agree to take the walk (Denetdale 2008 46).

The incarceration period was bad all around. The details of the horrors can be located elsewhere (Bighorse, Bighorse, and Bennett 1990; Denetdale 2008). As stated before, food was in short supply and there were too many people (7000 Diné) for the land to support. Inhumane living conditions involved digging and living in a hole in the ground (Denetdale 2008). Two major conditions doomed the removal experiment for the U.S. Evidence of the horrific conditions forced the U.S. to supplement the concentration camp financially. Also, the U.S. army was not able to prevent individuals from returning back to their homeland. Under threat of an all out rebellion, the closing of the experiment commenced in 1868 (Denetdale 2008 88). The next treaty would formalize the end of the incarceration period. The creation of the Diné reservation within the area of their traditional homelands came next.

The second and final treaty, known as the Treaty of 1868, was ratified by the U.S. government and is probably the most famous of the treaties (Brugge and Correll 1971 22), containing thirteen articles in all, it returns to the legalized tradition contained in the previously ratified Diné – U.S. treaty of 1849. The most important aspect of the treaty is

the formation of the Diné reservation, a diminished land base within the traditional Diné homelands. It is a typical U.S. reservation set up complete with promises of supplies for establishing U.S. style settlements and an agent to facilitate dealings between the U.S. and Diné. Education in the ways of the U.S. tradition is also deemed necessary to civilize the Diné. A list of eight separate limitations on the Diné is listed: of most import are the railroad clauses that give U.S. right of way through reservation territory. Future land cessions required a three-fourths vote from Diné males (Brugge and Correll 1971 88-98).

A final non-ratified treaty is an attempt to further individualize the Diné by forcing them to accept subdivisions of reservation land based on the size of individual families. In fact, to call this document a treaty overlooks the U.S. policy of ending treaty making in 1871 (Bighorse, Bighorse, and Bennett 1990 104). The "Agreement with the Navajo" of March 27, 1874 reads like an addendum to the 1868 treaty. The change from calling the negotiated resolutions treaties to agreements is a reflection of U.S. congressional squabbling over the ability to ratify treaties. Prior to 1872, only the Senate needed to ratify treaties. Some see the change in terminology as further curtailing of Indigenous Sovereignty (Wilkins 2003 20). Still, it may also be considered the end of treaty making with the Diné and the shift in U.S. policy from dealing with the Diné as a domestic issue internal to the U.S. In other words, the Diné are no longer considered a legitimate international actor by the U.S. Perhaps weary over the prolonged struggle to cheat the Diné out of their weapons and land, the U.S. did not take much interest in the Diné until corporate interests discovered oil and gas on the reservation in the 1920's.

C. Early Reservation Period 1868-1923

It is unclear what one would call the period of 1868 to 1923. Some major events in Indian policy occurred which have some impact on the Diné generally. The period is relatively undocumented by historians. One might presume that since other Indian wars continue (Geronimo and the Apaches), the U.S. is preoccupied with other issues. Several sources use "time line" summaries to discuss the events of this era. In 1869, the U.S. Congress passed a statute in which all remaining tribes were settled on various reservations. The reservations were each given over to various denominations of Christian churches for further assimilation procedures (Bighorse, Bighorse, and Bennett 1990 104). Between 1878 and 1884, the Navajo reservation increased in size via several executive orders (Denetdale 2008 124). The reason for the increases involve the fact that too many people lived in the space originally demarcated in the 1868 treaty. Also, many Diné found themselves living in spaces that were not technically a part of the reservation. Five separate U.S. actions made up the current reservation land boundaries (Wilkins 2003 208). The Navajo reservation is now 8 million acres (Bighorse, Bighorse, and Bennett 1990 104). Its post 1868 governance is set up just after the incarceration period is concluded.

The Diné took steps to rejuvenate their way of governing upon returning to their traditional homelands. In the fall of 1868, a Blessing Way ceremony was held at Window Rock for 7 days. There were a total of 13 leaders. Each leader received a bundle. The 13 leaders were instructed to carry them through Window Rock 4 times. Afterward, the 13 dispersed in The Four Directions to begin their lives again (Wilkins 2003 79). The documents of the time indicate that the Indian Agent described the four groups in relation

to the Agency. East of the Agency was run by Manuelito, South of the Agency was run by Mariano and Tsi'naajini Biye', West of the agency was run by Ganado Mucho, and North of the Agency came under the direction of Francisco Capitan (Wilkins 2003 79). There was little European interest in the events on the Navajo reservation at this time. Hence, there was little reason to dispute the organic leadership process Diné leaders utilized to begin governing again. It is interesting to note here that there was no apparent record of a "Protection Way" ceremony such as a Naachid. Some scholars simply state that the last Naachid was held before The Long Walk and must have been lost during the four-year incarceration. But the story of the Naachid is not so simple.

One account mentions the last Naachid taking place in 1859 (Austin 2009b 11). Many questions, beyond the scope of this dissertation, remain about the Naachid. Since the Diné were not to interact in war ways, why would they have a War Way ceremony upon returning to their homeland? Perhaps some of the Diné leadership were tired of war and only wanted to go back home in any shape they could. Another possibility is that war ways and war leaders were discriminated against or otherwise discouraged from continuing their practices. While incarcerated, the unknown question of where the Diné would ultimately end up loomed heavily on the minds of Diné leaders. Some U.S. policy makers considered removing the Diné to current day Oklahoma. The Diné leaders were probably aware of the plan while incarcerated at Bosque Redondo. It is known that they had a ceremony that foretold the Diné would return to their homelands (Austin 2009b 5). By 1868, the prophecy for return had been realized. After 1868, Diné leadership had emerged with interests that happened to be converging with U.S. interests.

One of the few accounts of the 1868-1923 period comes from Bailey and Bailey (1999). Here we learn that both Diné and U.S. officials did not want another war. The Diné primarily wanted to rebuild their destroyed political economy (Bailey and Bailey 1999 27). One might interpret the economy rebuilding interest as falling to the hands of Hózhǫ́ǫ́jí Naat'áaanii or peace leaders. Diné leadership achieved their goal of economic prosperity shortly after returning to their homelands. This era of economic prosperity was the most successful that Navajo Nation had ever seen, nor has ever witnessed, since recorded time (Bailey and Bailey 1999 73-88). This means that a growing interest among Hózhǫ́ǫ́jí Naat'áanii probably was in favor of preventing other Diné citizens from disrupting economic prosperity. One way to disrupt prosperity was to create a hostile situation via Diné raiding in non-Diné settlements. If some Diné continue to raid, it could bring the U.S. Army back. This would stop or at least decrease the level of economic prosperity for the majority of non-raiding Diné. This is a serious and under researched process that cannot be fully addressed here. Diné leaders were keenly aware of the raiding issues.

A "Chief's Council" was formed at Bosque Redondo. This Council was made up of Armijo, Delado, Manuelito, Largo, Herrero, Chiqueto, Muerto de Hombre, Hombre, Narbono, Ganado Mucho, Narbono Segundo, and the Principal Chief, Barboncito (Bailey and Bailey 1999 29). These leaders were depended upon by the U.S. Army to regulate the wayward Diné that might engage in raiding. This interest makes sense IF one assumes that the 12 leaders each had an interest in their own personal economic prosperity. Some accounts that do exist support this assumption. For example, Manuelito and Narbono did resort to force in 1870 to recapture raided livestock (Bailey and Bailey 1999 30). Another

example comes from 1878 in which 40 "witches and thieves" were killed by Manuelito

and Ganado Mucho (Bailey and Bailey 1999 33). These events are scant evidence of a

purging of sort. These events may explain why the Naachid went away after 1859 and

why the subject of Hashkéjí Naat'áanii is a touchy one today. Did the Navajo elite purge

themselves of its war leaders? This question cannot be answered here.

Time moves on and the above leadership grew in age. New leaders replaced them.

Simultaneous shifting U.S. policy involving the assimilation of Indians allowed for more

coercive attempts to control Diné leaders. This is evident by a period between 1878 and

1910 in which the Agent appointed "Head Chiefs" for the respective groups (Wilkins

2003 79). Manuelito was named the head of the first Navajo police force. The Navajo

police operated as the only law enforcement/government type entity that was recognized

by the U.S. (Denetdale 2008 28). Later, the U.S. replaced Manuelito with Chee Dodge, a

bilingual Diné of mixed blood in 1884 (Wilkins 2003 79). Between 1901 and 1911, five

agencies were set up. The agencies are still used today in modified form. In no particular

order, these agencies are called Southern or Fort Defiance, Northern or San Juan which

was renamed Shiprock, Western or Tuba City, Western extension or Leupp, and Eastern

or Pueblo Bonito which later became Crownpoint (Wilkins 2003 208). In 1921, oil was

discovered on the San Juan Agency or Shiprock (Wilkins 2003 208). Discovery of oil

was the impetus for the creation of the contemporary Diné governance used in modified

form today.

D. Contemporary Diné Governance

What follows will be a brief rehashing of the "democratic" era of Diné

governance. This period of Diné history might be characterized as the point when U.S.

corporations began to discover that valuable natural resources were present on the Navajo reservation. The U.S. government has a nasty habit of discovering things and appropriating them for their own enrichment (Getches, Wilkinson, and Williams 1998; Lukes 2005; Morgenthau 1948; Said 1978; Waltz 1979; Wilkins 1987; Wilkins 2002b; Wilkins 2003). Euro-American style governance was developed and presented to Navajo people open to, or unaware of, U.S. interests. Leadership of the 1920's were selected in much the same fashion that was exhibited during the treaty making era. Navajo leaders were selected by the U.S. to support governance restructuring which ultimately reflected U.S. and corporate interests. More often than not, the legitimacy of approved government changes was questionable at best.

The discovery of oil in Diné Country during the early 1920's is a significant factor involving why a Business Council was formed in 1922 (Wilkins 1987). The Business Council was organized so that oil and gas leases could be more easily obtained from the Navajo people. The Business Council focused on the distribution of royalties. Before the Business Council operated, royalties were only distributed to a given region where the oil and gas was discovered. However, this required the U.S. and its corporate interests to obtain several permissions. Reconfiguring a single Business Council would allow corporate interests to go to one decision making board to obtain permission to extract resources on any land within the Navajo Nation. This is the main purpose for changing the royalty payment scheme (Wilkins 1987). The Business Council was headed by three Navajos appointed by the Secretary of Interior. On January 3, 1923, the Business Council was modified and tasked with assembling a committee to create The Navajo Tribal Council (Wilkins 1987). The January 3, 1923 model appears hastily assembled in

the wake of the Business Council model. This may be because the Business Council model was not accepted by the Diné people as a legitimate body fit to represent them (Wilkins 1987). Also, the January 3 model established oversight mechanisms via some branch of the U.S. government. For example, delegates and alternate delegates were removable by the Secretary of the Interior. Also, the Navajo Tribal Council only met when the Commissioner of Indian Affairs was present. More modifications followed.

On January 24, 1923, a Tribal Council was formed (Wilkins 1987). Perhaps it is more accurate to state that the January 3 body was modified into the January 24 model. The U.S. interests attempted to maintain control within the council. Navajo leaders eventually thwarted these attempts. In 1933 the Navajo Nation revoked some of the U.S. imposed oversight mechanisms. Specifically, the "Federal representative be present at council meetings" and the requirement to "convene at the liberty of the Commissioner" were revoked (Wilkins 1987). The January 24 Council was less likely to represent U.S. interests. One might conclude that the Tribal Council body was hijacked by Diné citizens as evident by the several revocations that took place since its 1923 introduction. Over time, the scope of the January 24 model expanded to take on a form of Diné governance. Prior to changes, the Council served as an advisory board to the Commissioner of Indian Affairs. One might assume that the January 24 model and its modifications would have remained in place had it not been for the Indian Reorganization Act of 1934.

The U.S. maintained an interest in pushing tribal governments into the envelope of U.S. Constitutional model government. As a consequence, the Navajo Nation created a Tribal Constitutional Assembly in 1938 (Wilkins 1987). Here it helps to understand the Federal Indian Policy of the time. The Indian Reorganization Act of 1934, or IRA, was

meant to bring Indians into the modern era by formalizing their governments (Wilkins

2003 59). A better way to understand the IRA was that, during this time, the U.S. was

operating under the false assumption that its own form of government was the most

advanced government. All other forms of government were inferior to its own. As a

consequence, little attention was given to traditional Indigenous governance structures.

Many tribes adopted IRA style constitutions but the Navajo Nation did not. Regardless of

the Navajo vote to reject the IRA, the era was colored by the U.S. government's outlook

on tribal governance. The U.S., one-size fits all, approach was really meant to address

natural resource extraction in Indian Country and Navajo Nation specifically.

Four years after the IRA was passed, the Navajo Nation put together a Tribal

Constitutional Assembly tasked with writing a constitution. Navajo people were critical

of proposed reform to their governance. The most obvious failure of the Constitutional

Assembly was that it failed to write a constitution. Secondly, the U.S. approval

requirement in the Tribal Constitutional Assembly was the most overt presence of U.S.

interest. U.S. assessment meant Tribal Constitutional Assembly resolutions could not

take effect unless the Secretary of Interior approved. Less overt, but questionable at the

very least, are the rules for participation as a council member. Any set of rules purporting

to govern participation in any exclusive body must be scrutinized for their discriminating

properties. Scrutiny can ensure that any unethical exclusion is not allowed to take place.

Rules for participation are always subject to power domination (Lukes 2005). Finally, we

know that the original intent of the constitutional assembly was to write a constitution.

When the object was not fulfilled, a much broader scope of governing Diné Country was

introduced by virtue of the Council voting itself into office (Wilkins 1987). Unclear in all

of these changes is the impact that each Council has today.

There is no clear answer regarding how the various councils compliment and

conflict with one another. This area certainly deserves further research. Diné governance

functions adequately enough to prevent most Diné from violently overthrowing it

(Wilkins 2002a). Regardless, there are many tough questions which are not addressed.

Research of the primary and secondary literature produced ill-defined ideas of what

constitutes contemporary Diné governance. One exception is David Wilkins' work on

Diné governance (2002). Today there is a Navajo Tribal Council; an advisory committee;

a Tribal Council Code which includes a Bill of Rights; a description of Navajo

Government Structure and Power; an outline of tribal membership criteria; election laws;

outlines for dealing with fiscal matters; various business and commercial statutes; land

use/natural resource management criteria; and elements dealing with law and order,

(Wilkins 2002). The most prominent features of contemporary Diné governance involves

the three-branch system made up of executive, legislative, and judicial branches.

Presumably, the legislative and executive branches are derivative of the various

tribal councils. But without cultural norms, legitimacy is questionable at best. Given this

stipulation, it is necessary to look at contemporary Diné governance in a different

manner. The consequences of a Tribal Code, which allowed for rule by resolution,

followed by the cementing of the "Rules for the Navajo Tribal Council" are far reaching.

The changes to Navajo government set up a situation in which individual Diné were able

to securing an executive position. Executives could then consolidate power within the

executive branch (Wilkins 1987). Power consolidation in the executive branch was later

offset by the legislative branch checks on executive power. A judicial branch was also added. The relationships between the executive, legislative, and judicial branches were further modified by CD 68-89 (Wilkins 2002a). Left unclear are the ways in which recent modifications have augmented, negated, or left unmodified previously articulated governmental actions.

What has been presented here is a condensed history of Diné governance devoid of Diné philosophy. Notice the break between normative Diné philosophy and imposed policy practice. Notice how the interaction with non-Diné people created a situation in which past planning could no longer properly manage contemporary issues. Secondly, the act of warfare, in terms set by colonial actors, is a big disruption for any culture or society. It is very difficult to sustain open warfare indefinitely by any group, let alone a group that was not actively colonizing its neighbors, for the sole purpose of extracting resources. Hence, it does not make sense that Diné leadership could continue to utilize their normative governance model to sustain warfare. One interpretation is that the interaction period, in terms of war and economy, created a break in the process that was outlined in Figure 1.1. Denny believes that a fracture in the time line caused the planning stages inherent in Diné normative philosophy to inadequately deal with interaction with non-Diné. This explains the chaos, according to Denny, that currently exists in Diné governance today. Denny goes on to assert that no non-Diné approach can adequately resolve the problems faced by the Diné today or tomorrow. Denny refers to both European solutions and non-Diné "Nation Building" solutions as unsatisfactory. These "Nation Building" approaches have had varying levels of success in other tribal nations.

Exploring Nation Building can set the stage for all of the new ideas that are not likely to

be useful in Diné Country.

CHAPTER IV. DOOK'O'OOSŁIID – LIVING WITH CONTEMPORARY

APPROACHES TO NATIVE NATION BUILDING

Countless Native Nations are currently wrestling with issues of self governance. A general era of self determination has allowed for Native Nations to pursue their government reform in the aftermath of centuries of colonial activity. The contrast between Indigenous and European styles of governance has created a situation in which the past (pre contact institutions) must be reconciled with the present (international political economy). Native Nations (including Navajo Nation) are attempting to reconcile their own traditional institutions of governance while facing contemporary challenges. There is no rule book explaining how to build or rebuild a Native Nation. Hence, the approaches Native Nations can use vary widely. Theoretically, we can imagine the extremes for Native Nation building. On one end we can imagine a Native Nation negating all traces of Indigenous philosophy. The other extreme is negating all traces of European philosophy. These extreme points, that are not really happening today, may help us better arrange the contemporary research on Native nation building. Imagine the extreme points and then recognize that all of the research falls someplace in between the two extremes. But how do the current research ideas compare to one another? Which are more traditionally oriented? Which are more oriented toward European styles? It may be wise to arrange Native Nation building policies along a horizontal continuum of policy choices.

The main purpose here is to recognize our most extreme points which I assume is represented by 0 and 1. At the 0 point is a complete assimilation process in which no distinction can be drawn between a Native nation and a non-Native nation. On the other

end of the spectrum, represented by 1, is a complete disavowal of non-Native norms and practices. Let's assume two things: First, the policy preferences represented by 0 and 1 probably do not exist. Second, it cannot be proved whether or not the extreme points do exist. The purpose of laying out the extreme policy preferences is to ensure we clearly understand our boundaries. The observable examples of Native nation policy preferences will all fall within the extreme policy preference points. The more policy preferences lean toward a given Native traditional norm, the closer we can imagine their preferences lean toward 1. The less such policy preferences lean toward tradition, the closer they are to 0. But we must also consider the level of specificity each example of current Native Nation building research assumes.

The notion of Native Nation building can take on various forms. Some of the research is quite general. Other research is specific to a given Native Nation. I propose a vertical continuum in which "1" is the most abstract and general Native nation building research . A "0" is represented by the most specific Native nation building research. Public policy research can generally become too difficult to manage if inadequate consideration is given to notions of policy orientation and level of generality. I propose that both issues, orientation and generality, can at least be addressed quickly with little need to overly complicate matters. The alternative is that readers and researchers are left to assume definitions of policy "orientation" and "level of generality". Figure 4.1 displays the policy spectrum and related level of generality. But, one glaring omission from almost all Native Nation building research is the role economic liberalism may play in current and future Native nation policies.

A. Native Nations and Economic Liberalism

Former Soviet bloc countries are going through the process of developing their own institutions for governance. Former colonies are also dismantling the remnants of their past crowns, and they are making mistakes in the process. All the while, a relationship of unequal trade is maintained by more powerful and established nation-states. Emerging polities in recognition of "free trade" protocols are quite aware of the unequal trade practices. As a consequence, relatively weaker nations are building their domestic and international mechanisms for interaction to offset unequal trading practices. The majority of attention has gone to emerging third world nations. Native Nations will necessarily need to grapple with their own individual orientations toward one another, non-Native nations, and towards the international political economy. Complicating matters will necessarily be the role that traditional institutions can play in international concerns. Yet, to ignore the future of global interaction guarantees failure to have some control over one's Native nation in the international community. If a Native Nation is not relevant, there is no way that the Native Nation can have much of any impact on the future interaction it has with other international actors. Since the goal of this Chapter is to outline what has already been researched in Native nation building, I reserve a discussion of economic liberalism for later in relation to Navajo Nation building proposed policy considerations. With the absence of economic liberalism question aside, let's review what currently exists in terms of Native Nation building in the United States.

B. Native Nation Building in the United States

Generalizing about contemporary reservation conditions is difficult. There is so much diversity that generalizations must be carefully undertaken. One potential hurdle is

that Native nations continue to struggle with their perception by outsiders as trapped in history. This perception can obscure the assessment of current day problems and solutions (2007 xix). I assume that it is not necessary to revisit definitions of "Native" nations (Jorgensen 2007 1-54). At the same time, the colonial legacy that has set the stage can also be reviewed elsewhere if necessary (Jorgensen 2007 55-77). Hence, with the assumption that a Native nation is attempting to rebuild itself in the aftermath of colonial activity, many potential solutions have been visited and revisited by policy makers and theorists. Research on North American Native Nations (in Canada but mostly focused on Native Nations within the United States) can be organized along at least three themes: economics, politics, and culture. These three categories tend to reference traditional institutions in a manner that cannot be characterized in patterns. The themes themselves are not strict categories. They will be used here to better organize the current research.

1. Nation Building In Terms of Culture

The most general research is, what I will call, cultural in nature. I call it cultural research because it tends to deal with traditional characteristics, political entanglements, and economic consequences of the political entanglements collectively. Thus, such research is more broad and abstract. Do not read into the "broad and abstract" charge an element of criticism. There is a time and a place for broad and abstract research on Native Nation building. Examples of cultural nation building research tend to involve reconciliation with pre-contact philosophy and contemporary issues (Champagne 2007 9-24, 25-44, 66-106). A general theme involves pointing out the contradictions inherent in a given Indigenous philosophy and a European political philosophy. Philosophical themes are supplemented with case study examples which may only fit in specific areas alone.

Cases or examples will have less of a fit when trying to generalize the specific pattern to other Native Nation experiences. As recent research gets into more specific details, the research tends to focus on political and economic issues. Let's review the politically oriented research.

2. The Politics of Native Nation Building

Political research involving Native Nation building has tended to focus primarily on the United States followed by Canadian experiences. Once again, it is difficult to generalize about the level of attention given to traditional institutions of governance. In many ways, the focus has justifiably been a response to a given Federal Indian policy. It should go without saying that the Native Nation building experiences have been impacted by federal policies directed at interaction between colonial actors and Native Nations (Getches, Wilkinson, and Williams 2005). Since at least 1934, the proposed interaction process between the U.S. and Native nations has revolved around some form of constitutional development. The experiments with written constitution (U.S. presidential/legislature) style governments have had very diverse impacts as evidenced by the history and aftermath of the Indian Reorganization Act of 1934 (Getches, Wilkinson, and Williams 2005 186-198; Lemont 2006 49-106). As a result, some argue that Native Nation building should continue with constitutional reform. Constitutional reform may resolve issues left in the wake of colonial impact. The important component of Native nation building is the match between culture and government. Things will improve if constitutions do not contradict traditional philosophies (Cornell and Kalt 2000; Jorgensen 2007 78-114; Lemont 2006 184-219).

Other advocates for constitutional reform focus on merging tradition with contemporary challenges such as globalization (Lemont 2006 11-34). Notwithstanding, constitutional discussions have also reverted back to pre-contact Indigenous constitutions which students of European philosophical thought may neglect or refuse to recognize as legitimate constitutional government (Lemont 2006 144-183). All of the research on Native governance gets even more complicated when one considers that a single definition of "constitution" currently does not exist. Thus, Native nation policy maker definitions and cross cultural definitions make the term "constitution" subject to conceptual stretching (Sartori 1970). As a consequence, the challenges for constitutional reform within Native nations remains an enormous undertaking (Lemont 2006 252-332). One caveat, is I assume constitutional reform is addressed in pursuit of the best interests of a given constituency by Native Nation policy makers. Regardless of individual Native Nation policy makers, and their inherent and explicit self interest, all Native Nations must address their interaction with the U.S. and other colonial actors.

The impact of varying political institutions and their tug of war over current and future policy language must at least acknowledge the current situation between the United States and Native Nations. Native Nations must interact with four governing institutions. As self governing bodies, Native Nations are domestic polities onto themselves and must begin to reconsider their international (extra domestic) policy preferences and platforms. Secondly, Native Nations are constantly interacting with the U.S. federal government. Third, Native Nations are constantly interacting with neighboring U.S. States. And, finally, local or regional municipalities and counties become a factor. Complicating matters is how varying polities have co-existing policies

that directly contradict one another. In other words, what may be quite legal in Indian

Country may violate state or federal law and vice versa (Biolsi 2007 100-204). Issues

about the international and domestic status of individual American Indians within the

U.S. remain unanswered and even unquestioned. In the interest of certainty, American

Indians remain subject to tribal, state, and national citizenship. Hence, it is difficult to

explain all of the benefits and obligations of American Indians in a brief context (Wilkins

2007 52-59). With these large issues in the background, one can envision that a diversity

of foci and proposed solutions currently exist.

The journey of policy switches by the federal government is a subset of the

colonial legacy Native Nations must face and surmount in order to succeed on their own

terms. From war to self determination, the overly simplistic obstacle has almost

exclusively been that Native nations are forced to interact with other polities (colonial

actors) that refuse to see Native peoples as anything more than "obstacles" or as a

collective "problem" (Getches, Wilkinson, and Williams 2005 140-257). For our

purposes, it is only necessary to revisit the most recent era of Federal policy toward

Native Nations. Briefly, the Self Determination era has been characterized as the

culmination of a pan-Indigenous revolt against termination policies (Getches, Wilkinson,

and Williams 2005 216-218). The results were the Indian Self –Determination and

Education Assistance Act of 1975, Indian Child Welfare Act of 1978, and the American

Indian Religious Freedom Act of 1978 to name a few (Wilkins 2007 122). These U.S.

congressional acts, more or less, held the spirit of Native Nation building and rebuilding

on terms set forth by Native nations independent of non-Indigenous influence. In

practice, the policies have proven less than ideal but are still an improvement over past

Federal policies geared as a fix to the "Indian problem." The congressional activity of the 1970's opened the door for Native Nation policy makers and scholars to begin focusing on nation building and not merely nation preservation in political terms.

Many Native Nations today are attempting to reconcile their philosophies and world views to co-exist alongside the U.S. polity and global polities. These efforts have yielded links between traditional knowledge and contemporary Native nation government. For example, the San Carlos Apache currently utilize an Elders Cultural Advisory Council so that traditional knowledge has a place in contemporary San Carlos Apache policy (2007 24). Also, as will be discussed in more detail elsewhere, Navajo Nation has made overt efforts to incorporate the Fundamental Laws of the Diné into their own branches of government (Council 2002). Other issues of interest include restarting and expanding tribe to tribe interaction both politically and economically (2007 29). The challenges of incorporating Indigenous philosophy with contemporary tribal government have most overtly been addressed in terms of tribal constitutional revisions and amendments (Lemont 2006 11-34). This makes sense because many Native Nations currently work with a modified version of the IRA constitution they first adopted during the mid 1930's. Under the IRA provisions, tribes were given the option to vote for accepting or rejecting IRA provisions. It is estimated that 258 tribal elections were held in which 181 tribes accepted the act provisions, while another 77 tribes rejected it. By 1946, 161 constitutions and 131 corporate charters had been enacted in Indian Country. Today we could be talking about as many as 292 Native nations working to amend and modify their old IRA era governing documents (Getches, Wilkinson, and Williams 2005 192). As the treatment of tribal constitutional revision and amendment gets more focused,

the question of tribal citizen participation becomes a factor (Champagne 2007; Lemont 2006). Regardless, political restructuring cannot occur without addressing political and economic concerns.

<center>3. The Economics of Native Nation Building</center>

Research on economics and Native nations seems to give the least attention to the intersection of traditional institutions and contemporary issues. The trends in Indian Country economies have been organized around the typical indices one might see in non-Indigenous community research. Comparative research indicates that unemployment rates remain higher among Indigenous communities than non-Indigenous communities in the U.S. (Wilkins 2007 165-168). Positive aspects of reservation economies involve better utilization of land, land consolidation, and land recovery in the aftermath of allotment, termination, and self determination policies (2007 93-110; Wilkins 2007 169-171). Natural and agricultural resources (such as energy and timber) have also been a focus for some reservation leaders depending on their particular assets (2007 159-176; Wilkins 2007 180-188). Environmental issues also remain a concern, generally, as Native nations continue to grapple with their experiences with the global political economy (2007 177-196). Additionally, tourism remains a vital pipeline for economic development for some reservation communities (Wilkins 2007 188-190). One of the most ambitious treatments of contemporary Native North American governance looks at many examples of positive occurrences today (2007). The text begins with many qualifications over the necessity with which readers accept the breadth of the subject matter and its inherent diversity.

If there is a "message" to [Native nation building research]. . . , it is that Native nations, communities, and peoples are living real lives on the contemporary stage of our increasingly globalized world" (2007 xix).

The diversity of topics covered include social development (197-274), culture, arts, and media (275-318), and less commonly studied topics on Alaska Natives, Native Hawaiians, and Urban Indians (2007 319-376). Currently, however, no research on contemporary economic development can ignore the gaming phenomena.

i. The Impact of Gaming on Native Nation Building

Economic research has received the most recent treatment and has primarily focused on issues surrounding the contemporary phenomena of gaming (2007 145-158). In the late 1970's and early 1980's, some tribes (Seminole and Cabazon) began running gaming operations (Wilkins 2007 173). State officials moved to ban the practice but tribes cited the lack of jurisdiction most states have in Indian Country (Getches, Wilkinson, and Williams 2005 492-508). In 1987, the U.S. Supreme Court upheld the legality of gaming in California v. Cabazon. Cabazon held that states which authorized some form of gambling must also allow tribes to run gaming operations (Wilkins 2007 173). In 1988, the U.S. Congress passed the Indian Gaming Regulatory Act (Wilkins 2007 173). For our purposes here, we only need understand that these events gave way to some very lucrative gaming operations that made it more interesting for some academics to research the economic impact of gaming on reservation economies. Perhaps because of the relatively new development of gaming, much of the research has focused more on the economic aspects of the gaming phenomena. A future generation of researchers will need to conduct studies on traditional and contemporary Indigenous institutions of governance

within the context of gaming. The trend, however, is moving away from purely economic treatment.

One of the most comprehensive studies of the gaming impact on reservation economies is the comparative report on the U.S. economy, reservation economies with gaming operations, and reservation economies with no gaming operations between 1990 and 2000 (Taylor and Kalt 2005 i). The findings suggest that all reservation income rose by 20% while the U.S. income rose by 11% (Taylor and Kalt 2005 6-19). Poverty rates among non-gaming areas dropped by seven percentage points, gaming areas dropped by ten percentage points and U.S. rates dropped by eight-tenths of a percentage point (Taylor and Kalt 2005 20-27). Non gaming unemployment dropped by two and a half percentage points, gaming unemployment dropped by more than 5 percentage points and U.S. unemployment dropped by half a percent during the same 10 year period (Taylor and Kalt 2005 28-39). As a result, the gaming phenomenon has had immense impact on Native Nations with gaming operations. Still, the situation is not all positive. Gaming is just one aspect of economic development.

Independent of the gaming impact on Native nation political economy are the general treatments of economic development in Indian Country. Some instances of economic development have been framed as a consequence of self determination. Although a great deal of Native Nations continue to live under conditions of poverty, various examples of successes have been documented (Cornell and Kalt 1992 3). Continued monitoring of conditions in Indian Country indicates some patterns of interest. After acknowledging the very serious constraints on development, it seems that at least three necessary conditions are present within successful Indian Country economic

development: external opportunity, internal assets, development strategy (Cornell and Kalt 1992 8-13). Still, research on guiding contemporary Native Nations remains a bit too abstract for immediate utilization and implementation. The advice is merely a restating of the generalities that exist in Indian Country such as use of sovereignty, use of capable institutions to exercise it, and use of institutions to implement a development strategy (Cornell and Kalt 1992 53-54). How a specific Native Nation with poor economic development up until now is able to utilize such advice not addressed. The general strategies will require serious case study research to determine appropriate application. In other words, the Cornell and Kalt research is too general for application as is.

Specifically regarding the notion of capable institutions, the research findings indicate that in the face of poor conditions on reservation lands (such as a lack of natural resources) the fact that pre-contact and post-contact institutions are similar seems to promote sustained economic development (Cornell and Kalt 1996 18). In other words, Cornell and Kalt argue that cultural match between pre-contact Native philosophy and contemporary institutions of governance do matter. This line of thinking is regurgitated several times in subsequent Native nation building research (Cornell and Kalt 1995). Cultural match arguments are based on other Cornell and Kalt research in which findings are supported by statistical regression and qualitative comparative analysis methods (Cornell and Kalt 2000). However, there are many problems with the methodology of the source research which should have us call all of the findings on cultural match into question.

The cases in support of the findings seem cherry picked to reinforce the conclusions. Alternative cases can be easily selected to deflate the conclusions. It is

unclear to me why "strong executive" is used as the baseline for running statistical

regression analysis. Using "Strong Executive" as a baseline for regression implies that a

strong executive government is necessarily a point of governmental mediocrity and can

only be improved upon. Such a leap of faith requires a built in normative assumption that

has not be made explicit by the researchers (Cornell and Kalt 2000 461). What's more,

the levels of significance must be extrapolated from the data in a way that seems to

obscure the research premises. Regardless, the data is not showing any levels of

significance traditionally accepted by statisticians (Cornell and Kalt 2000). In other

words, the data is not statistically related to cultural match and institutions, hence, we

should reject the null hypothesis that institutions matter. At the very least we can

conclude that the economic research is still up for debate. Still, the policies Native

Nations choose to restructure go a long way toward explaining what is working and not

working in Indian Country.

4. Complexities in Native Nation Building:
Unknowns for Individual Native Nations

One of the most difficult challenges for Native nation building and Native nation

policy making is the fact that it is a relatively new field. The rules of the game in the

United States keep changing every generation given the bipolar nature of Federal Indian

Law and Policy (Getches, Wilkinson, and Williams 2005). The constant changes force

policy makers and scholars into a limited reaction. Scholars have focused on repealing

bad Federal Indian policy. Alternatively, scholars have learned the latest policy and how

best to work in the interest of Native Nation building. The second issue inhibiting

researchers and policy makers' abilities to advocate for specific Native Nations involves

the diversity of the Native Nations within the United States. The current research has

attempted to draw broad conclusions but the cost is to write abstractly and, hence, it is up to individual Native nation policy makers to first find some usefulness in the current research and then modify such research so that it will fit a specific Native nation. Of course, all of this must occur while Native governments continue to deal with the everyday emergencies. Everyday reservation community problems are not reflected in current research on Native nation building. Since it is beyond the scope of this research to review every instance of Native Nation specific policy reforms, we now focus on Navajo Nation and its recent endeavors in governance reform.

Perhaps one of the most overt questions involving contemporary Diné politics is the question of its current governance form. Much has been made of the reasons why a European style constitution has not been written down. A powerful assumption holds that a lack of written constitution equals the lack of a constitution all together. Let's not assume that a written constitution is the epitome of constitutions. Secondly, debate remains about the necessity or non-necessity for Diné to vote on their own form of government. The first opportunity for the Navajo Nation to adopt a constitution, that is a system of government resembling a U.S. constitutional model, came in 1935 in the wake of the Indian Reorganization Act of 1934. As an alternative to a U.S. constitution model, a set of rules were instead adopted to govern the behavior of a Navajo Tribal Council. The rules created in 1935 were then collected and codified in 1962 into the first version of what is now called the Navajo Tribal Code and remains subject to amendment by the Navajo Tribal Council (Wilkins 1987). Rather than record the origin of Navajo authority and link such authority as deriving from the Navajo citizenry, the Navajo Tribal Code instead derives its authority from a set of what political sociologists might call norms and

sanctions. Socially constructed norms and sanctions often are reflected in societies which choose not to record and codify rules in a form which resembles a European constitution. Rather, as is the case in traditional Diné governance, norms are unwritten and observed by tribal leaders. Violations of such unwritten norms are subject to sanctioning when a norm is not followed according to Diné custom. By the mid-1930's, the U.S. was more interested in promoting general reorganization of tribal governance which is why the Navajo Nation first adopted the "Rules for the Navajo Tribal Council" in the first place (Wilkins 1987). The theory of social constructivism may illuminate why the IRA era took place.

In an effort to universalize and generalize, the definition of "constitution" was stretched to fit the mode of governance used by the Navajo people prior to 1935. The theory of social constructivism holds that a form of governance is really the product of the subjective decision making of the leaders of a culture. As such, colonial governments socially constructed their own forms of government to include and rely on U.S. constitutional model characteristics. The Diné of the IRA era, however, were skeptical of adopting such a scheme of governance. They reasoned that the system of governance which pre-dated the rules for the Navajo Tribal Council worked better than a U.S. constitution model would. Given the theory of social constructivism, one could interpret the actions of John Collier, the commissioner of Indian Affairs of the era, as compromising by stretching the definition of "rules" and "council" to fit the socially constructed norms and sanctions already in existence in Diné Country. At the same time, one must recognize that Diné leadership were not willing to take a U.S. constitutional

model approach to their own socially constructed governance structures. Some theories may explain further the reasons for the historical events in Navajo governance.

It is difficult to pinpoint a Diné basis for social constructivism in their interactions with colonial actors. There is not enough information that exists currently to draw a definitive conclusion. Secondly, it is beyond the scope of this research to embark on extensive primary and secondary source research. Such a research project would be welcomed. Still, it is useful to briefly explore some theoretical connections here. First, can we observe the adoption of realist norms by Diné leaders during the interaction period? Second, it may be that realist norms were present in Diné international interactions such as war and trade policy. Third, the theory of social constructivism may explain why Diné leadership adopted realist norms in the first place. If so, one might observe the outcome of what one may expect from realist norms at work in the outcomes of interaction between the Diné and colonial actors. Once again, the above questions warrant further research and they cannot be answered here. All of these ideas about international relations theories explaining Indigenous interaction with colonial actors, generally, violates a series of commonly held assumptions in some contemporary political science circles.

Personal bias acknowledged, it is a no brainer that questions involving Indigenous governance are political questions first and foremost. Yet, the very nature of the political science discipline assumes that Indigenous actors are domestic issues that are necessarily dealt with under the supervision of their respective colonizing state. Political scientists of today are ignoring the vast literature on the history of "Indian Tribes" as international actors (Deloria and DeMallie 1999). In this instance, the race of the signatories is the

only qualitative difference between a "treaty" and an "Indian Treaty." As such, the nature

of race seems to have been swept under the rug. The assumption that Indian treaties are

inferior to other international agreements remains unexamined in a systematic manner.

Why? Some argue that theories of international relations fail to explain the interaction

between Indigenous groups and colonial actors. The naysayer can mull over the

following:

It could be that the Diné had been interacting in a manner consistent with what

theories of international relations would expect. One of the most prominent theories of

international relations does a good job of explaining the diversity of interactions that we

find evidence for in the history texts on colonialism. Perhaps because it explains

everything or because the theory was generated in retrospect, realism's explanatory

power is useful to the current research. There are six main assumptions inherent in

realism:

1. States operate in an anarchic system
2. Sovereign (European) states are the legitimate or primary actors in the
   international system
3. States are rational unitary actors bent on doing whatever is necessary to secure
   their own self interest
4. The primary self interest of every state is to survive
5. The primary method to ensure survival is the monopolization of resources
6. The primary manner in which resources are monopolized is via military and
   economic power (Morgenthau 1948; Waltz 1979)

Every one of these assumptions is applicable to almost every interaction that has taken

place between Indigenous peoples and European colonial actors since 1492. These

assumptions, more specifically, inform the nature of interaction between Diné policy

makers since treaty making. The assumptions of realism were adopted by many

Indigenous communities which survived into the 21st century. If one would accept a leap

of faith, one might conclude that tribes which do not exist today either refused or failed to adopt realist assumptions of nation building. A second theory of international relations elaborates on the above point.

Did the Diné survive interaction with colonial actors by adopting realist norms in a manner consistent with social constructivism? The theory of social constructivism is a loose set of principles stating that humans create culture in a manner that promotes the best outcomes given the available options (and the existing parameters). When applied to international relations theory, nations have increasingly adopted a set of liberal norms out of fear that sanctions will prevent economic development in the global political economy (Wendt 1992; Finnemore 2001; Schimmelfennig 2001; Checkel 2005; Polillo 2005; Tannenwald 2005; Zürn 2005). Social constructivism has rarely been applied to pre-19th century international interactions, nor has it ever been, applied to the interaction between Indigenous peoples and colonial actors. Regardless, a recent treatment of the history of the Southwest gives credence to the notion that Indigenous peoples adopted assumptions of realism in a manner consistent with the theory of social constructivism.

There is a way to test the fit between international relations theories and Diné interaction. As stated before, such research is beyond the scope of this dissertation. Yet another research design currently exists which could illuminate the discussion here. A mainstream history of the southwest indicates that Spanish, French, English, and Indian actors all interacted in a war like fashion. Long story short: the cowboys beat the Indians in various wars and now the Indians are trapped in reservation life. The mythology of the era was that it was just a matter of time before primitive Indians died off. A contemporary reinterpretation of the history is that a superior military power (Europeans)

simply conquered an inferior military power (Indians). However, recent research indicates that tribes of the southwest adopted aspects of European colonial behavior. A good reason to point to this history is because author Ned Blackhawk produced an enormous amount of work on the subject of the Indigenous southwest. Since accounts of the nature produced by Blackhawk are rare, there are few other places to apply the theory of social constructivism.

Research on non-Diné tribes can cautiously be used to consider how the Diné may have similarly reacted to non-Indigenous encroachment and interaction. Utes engaged in trade to secure military advantages over other tribes in the region. The evidence for this comes from the ability of Ute tribes to secure horses and firearms. Utes utilized these advances to engage in the slave trade thus creating pockets of genizarios, or suburbs of Indigenous people with unclear ties to tribes and relegated to ghettos near colonial settlements (Blackhawk 2006). Two aspects are relevant here. First, it is not new that Indigenous actors traded with Europeans. The novelty in Blackhawk is that Indigenous actors finally gain acknowledgment that such trading behavior is indicative of the Indigenous impact on colonialism. Second, Indigenous actors of the southwest were not innocent victims of colonialism. Rather, many tribes of the era exhibited evidence of their agency by adopting western ways and taking advantage of the changing political economy of the era. What is not discussed is the manner in which social constructivism is a theoretical frame which captures the why rather than the how of the history of the southwest as detailed by Blackhawk.

We may carefully proxy the Ute experience with the Diné experience. The Utes shared a similar background with the Diné due to their interactions with Spaniards.

Lacking a "Blackhawk" style history of the Diné, the Ute experience may offer insight applicable to the Diné experience. With these concerns in mind, the history of the Utes, genizarios, and Spanish colonizers fits within the theory of social constructivism well. With the arrival of the Spanish, the Ute political economy was impacted negatively. As a result, Ute tribes modified their political economy to include the lucrative aspects of the slave trade. Ute tribes gained an advantage over other tribes by utilizing horses and securing advanced technological weaponry, namely guns. The combination of the horse and the gun afforded the Utes an ability to raid non-horse tribes and kidnap Indigenous individuals. These individuals were sold as slaves to the Spanish. It is not necessary for us to understand why certain tribes could not or did not obtain horses and take part in the slave trade of the southwest region. What is relevant here is that one can argue how Utes adopted the realist assumptions of amassing resources via military and economic domination of the region. For whatever reason, the peoples that became genizarios were incapable or unwilling to assume realist tendencies and, as a result, their own attachment to their tribes (state) was eliminated. While there are plenty of other examples of Indigenous peoples adopting realist assumptions throughout the history of colonialism. Hopefully, this example is convincing about the applicability of the theory of social constructivism. In fact, realist assumptions can be found in contemporary Diné governance institutions.

Hence, there is certainly a case for future research involving Diné adoption of realist norms in their international interaction with colonial actors. It will be demonstrated that Diné governances was itself impacted by the emergence of realist colonial actors. One result was the need to give up (or allow dormancy to preserve)

traditional Diné governance institutions, such as the Naachid, just after The Long Walk. A second impact came in 1923. This is when realist actors (The U.S., corporations, etc.) discovered resources to monopolize on the Navajo reservation. The Diné leadership were forced by adopting business councils with implied realist assumptions. Still, another theory must be relied upon to explain why all Indigenous actors did not simply assimilate to every notion of realism and, thus, disappear entirely. In other words, what explains why a Naachid might hold value as defined by average Diné today? The theory of Peoplehood may help explain why the dormancy of traditional Diné governance is a realistic expectation.

Recall that Peoplehood explains that within place territory, ceremony cycle, specific language, and sacred history one will find the very essence of an Indigenous people. Since two of these aspects can be more easily hidden, specific language and sacred history, herein lies the seeds for remembering specific Indigenous approaches to governing. Lets assume the time for tolerance and acceptance of Indigenous knowledge, specifically Diné philosophies of governance is better now than it has been since 1492. Peoplehood explains how aspects of Diné philosophies were lost to realism (Holm, Pearson, Chavis 2003). It also frames how aspects of Diné philosophies remain dormant today in the minds of elders and in the dreams of those unknown to us. Perhaps credit can be given to previous Diné policy makers for taking steps to expand the place territory of the Diné to such a point that remote pockets could be utilized to continue with ceremonial practices. It is here that one is likely to find the Diné philosophies of governance, among other aspects of Diné culture, which remain dormant and thirsty for a drop of water.

C. Navajo Nation Building Experiences – Return To Balance

The experiences of Navajo Nation building tend to not follow the usual pattern, but Navajo Nation has always been an anomaly in terms of their trends in economic, demographic, and political growth ever since contact (2007 115; Bailey and Bailey 1999). Navajo Nation building research is most relevant to describing the current situation or in further exploring the efficacy of traditional institutions in Navajoland. Navajo economic development has been discussed in terms of sheep herding economy, informal flea market economic impact, and overall economic impact on neighboring states (2007 120-121; Jorgensen 2007 37-38). Complicating matters is the fact that Navajo Nation boundaries cross three U.S. state boundaries making intergovernmental interaction strategies a necessary condition of any Navajo Nation building (2007 73, 76; Jorgensen 2007 254). State jurisdiction issues have yielded interesting tax exemption challenges (2007 43). Some interesting events in Navajo nation building include the passage of the Local Governance Act in 2001. The Local Governance Act afforded more control over policy making at local municipality levels (Jorgensen 2007 169). A great deal of current research, relatively speaking, involves Navajo Nation courts.

Court systems on the Navajo Nation have also been integrated with traditional teachings, which loosely translate into English as "peace making" (2007 48-50, 122-23, 127, 47; Austin 2007; Austin 2009b; Jorgensen 2007 124-126; Nielsen and Zion 2005). Currently, Navajo Nation has utilized its governing powers to integrate traditional healing practices into dealing with alcohol and substance abuses by its citizens (Jorgensen 2007 239). As mentioned in detail elsewhere, the push for Fundamental Laws to have a role in contemporary Navajo Nation government continues (Jorgensen 2007 126-128, 95, 62-

63). Environmental issues also remain relevant as Navajo Nation attempts to resolve pollution and other toxic waste issues while doing a better job of managing its natural resources (2007 162, 164, 178, 180, 184). All the while, Navajo Nation has borrowed not only from European philosophical thought but also worked diligently to retain what has worked from its own endogenous philosophy of leadership (Champagne 2007 104; Lemont 2006 43-44). The collective incremental changes (nation building) to Navajo Nation governance has all been conducted under a government lacking a written constitution. This fact, perhaps, supports the argument that one need not write down their constitution to realize relatively effective governance. As such, the collective concerns that are relevant to Navajo citizens cannot be easily addressed by looking at the more broadly contextualized research on nation building. Yet, the majority of research on current and future Navajo Nation policy remains less than ideal.

1. Navajo Policy Analysis

The history of Navajo Nation governance is detailed elsewhere (Chapter Three) and follows the development from stories on leadership (Chapter Three section A), to war and trade contact with colonial actors (Chapter Three section B), to the early reservation period (Chapter Three section C), to the business councils which eventually evolved into the current Navajo Nation government (Chapter Three section D) (Bailey and Bailey 1999; Benally 2006; Bighorse, Bighorse, and Bennett 1990; Brugge and Correll 1971; Council 2002; Deloria and DeMallie 1999; Denetdale 2008; Kraker 2008; Wilkins 1987; Wilkins 2002a; Wilkins 2003). While the history of Navajo governance has been and remains dynamic, so are the problems, issues, and concerns being raised by contemporary scholars of Navajo governance. Basic social science inquiry norms require that scholars

first describe the history accurately and then move forward to determine meaningful explanations for how and why things occurred as they have (King, Keohane, and Verba 1994). Accurate descriptive research on Navajo governance first began appearing in the late 80's and early 90's (Wilkins 1987; Wilkins 2003). Later, explanations for how and why democratic institutions may or may not have taken hold yielded some insight into the reasons why certain modifications to Navajo Nation governance have been enacted since 1989 (Wilkins 2002a).

The research specifically about Navajo Nation governance can be comprehensively dealt with briefly because not much exists on the matter. As such, I will present the research here by author in alphabetical order. Justice Raymond D. Austin, formerly of the Navajo Nation Supreme Court, provides a brief history of the Navajo Nation courts (1-36), and a wealth of information on Navajo philosophy. Philosophy research includes description of the Fundamental Laws (37-52), Hózhǫ́ or peace, harmony, and balance (53-82), K'é or Navajo kinship unity via positive values (83-136), and K'éí or decent, clanship, and kinship (137-198) (Austin 2009b). Austin's research describes Diné philosophy of courts. Yet he leans towards future explanatory considerations. Austin mentions how the Navajo example may assist Indigenous populations dispersed throughout the world in dealing with globalization issues (Austin 2009b xix). Many others involved with the Navajo Nation courts, either as scholars or as practitioners, only add to the descriptive resources on the subject (Nielsen and Zion 2005). Possibly the most comprehensive work on Navajo history is Bailey and Bailey. They focus on descriptive treatment of Navajo history from a Navajo perspective (1999). Bailey et al utilize time as their organizational tool. Time does not easily lend itself to

Navajo Nation building purposes. Rather, Bailey et al remains especially useful for looking at the reservation history from 1868-1934 (Bailey and Bailey 1999 25-104).

In similar fashion as Austin, other researchers have argued that Navajo Nation practices can be helpful to other Native nations. For example, Lee argues that Navajo indigenous identity has salience for other Native nations dealing with identity and citizenry issues (Lee 2006). Regarding Navajo Nation, the theory of nationalism has been applied to describe the notions of nationalism and their relevance to a future Navajo Nation identity (Lee 2007). Lee seems to equate a general definition of Nationalism with Navajo Nationalism which, if scrutinized, may end up becoming another example of conceptual stretching (Lee 2007 59; 1970). Describing Navajo nationhood in terms of Navajo creation stories are a good way of encouraging a sense of pride in a specific Native nation. Calling such pride "nationalism" may backfire as these sentiments may not be consistent with, and could outright threaten, symbolic notions of colonial state nationalism (Lee 2007 61-62). Still, Lee is bringing up some very important questions about utilizing the past to inform the future of Navajo nation building primarily along Navajo philosophical terms.

Lee does provide insight most relevant to reconciling traditional and contemporary Navajo institutions when discussing the manner in which traditional Navajo teachings (pre-contact philosophy of governance) did address the same issues that contemporary nations must address (2008). Here, the challenges of Navajo assertions of independence from the United States are framed in terms of an inability for many individuals to reconcile Navajo philosophy with contemporary challenges of living in the United States (Lee 2008 101). Hence, what are considered non-Navajo influences (drugs,

alcohol, domestic violence) have leaked into individual lives because individual Navajos cannot apply Navajo philosophy as a solution. This may perhaps be because individual Navajos do not understand Navajo philosophy or because they fail to see how the philosophy may alleviate such problems (Lee 2008 102). All of the above authors end up relying on the same scholar for historical reference.

Any research on Navajo nation building must include the work of David Wilkins. His time as an instructor at Navajo Community College prompted him to write a book namely out of frustration with the lack of research on Navajo governance up to that time (Wilkins 1987). He would later turn his research into a more comprehensive study of the historical and political developments on Navajo Nation (Wilkins 2003). Simultaneously, Wilkins remains somewhat skeptical about the manner in which contemporary Navajo governance lacks basic constitutive parts of democracy (Wilkins 2002a). It has been the work of all the scholars here that has allowed current research to continue with a generally accurate historical context. Yet, the most ambitious effort to specifically address Navajo Nation building remains the work of Diné Policy Institute and their recent report on Navajo Constitutional reform (Yazzie et al. 2008).

The constitutional reform project was drafted in response to a long history of debate regarding the past and current Navajo constitution (Wilkins 2003). Details of the debate can be located in Chapter Three. The report goes on to consider constitutional philosophy (2-21), separation of powers strategies (22-32), and judicial oversight (33-39) (Yazzie et al. 2008). The most innovative portion of the report involves proposals for future changes (Yazzie et al. 2008 40-70). Four models for changes are arranged in general orientation to a specific goal. Model 1 addresses an improvement in efficiency of

the current system in place without much regard for other considerations (Yazzie et al. 2008 42-44). Model 2 addresses the conflict between the current Navajo government centralization and the philosophy of leadership which was, generally, based on decentralized models and local autonomy. Hence, the suggestion here is to utilize a decentralized philosophy of governance and integrate with a bicameral legislative body (Yazzie et al. 2008 45-53). Model 3 further explores decentralization of the current Navajo government and specifically focuses on the Executive branch, eliminating a single president and replacing the branch with an 11 member panel tasked with basing their decisions more overtly on traditional and Customary Laws of the Diné (Yazzie et al. 2008 53-60). Model 4 is dialectical and cyclical in an effort to fully integrate Diné thinking into a contemporary and functional government based on the assumption that Diné thinking can saliently address contemporary issues (Yazzie et al. 2008 60-70). The impact and salience of Diné thinking is more concretely addressed in Chapter Two. For now, let us return to a broader overview of where the current research approaches policy and generality.

D. Policy Spectrum and Level of Generality Among Native Nation Building Strategies

What follows will place the current research on Native nation building along the policy spectrum proposed at the beginning of this chapter. How general are the policies and approaches used in current Native nation building research relative to one another? What relative orientation do the various approaches take with respect to a broadly defined notion of traditional institutions of governance? Policy preferences specifically detailed enough will be assigned a ranking between 0 and 1. While each specific numerical ranking of policy preferences is less important, pay close attention to the relative rankings

of each policy preference explored. The future of Native nation building will necessarily need to explore many dynamics of history, political science, law, geography, and sociology to say the least. The hope is that these complex issues can be better understood if we can arrive at a scheme by which we rank relative orientations toward traditional and non-traditional philosophies of governance. We can simultaneously address policies and their level of generality relative to one another. Some may question the necessity to explore these issues in such a manner. To the naysayer, I propose a larger pattern currently at work among Native nation building. It can serve us better to have a general pattern of Native nation building. While I cannot assume that this specific model will be the one that works best, we can all collectively pursue a model of organization that is reliable, replicable, and valid (Lomawaima and McCarty 2002). Nations all over the world (Indigenous identity not withstanding) are taking control of their futures. The orientations of any future government will need to maintain some balance between their internal norms of practice and the external interaction norms necessary to participate in the global political economy.

Figure 4.1 is a plot of policy orientation and level of generality. We can now graph the current research on Native Nation building. Each dot represents a policy orientation and level of generality. One pattern is that research trends toward generality and orients toward integration with non-Indigenous philosophies of governance. Readers can see this pattern via the cluster of data points in the upper mid to left hand corner of Figure 4.1. Another general pattern indicates that as research gets more specific to Navajo Nation building, the trend moves toward Navajo philosophy. Once again, readers can see evidence of this clustering in Figure 4.1 where the data points cluster around the

lower far right corner. Figure 4.2 is a Table of scores I suggest work well descriptively.

While readers may not agree with all of the decisions made about rankings, the rankings

will help us to better understand various orientations of researchers. Being critical of the

rankings is important as research can only improve if the rankings represent the actual

orientations authors explicitly or implicitly attempted to convey.

Figure 4.1: Policy Philosophy Orientation and Level of Generality – Based on the current research on Native Nation Building
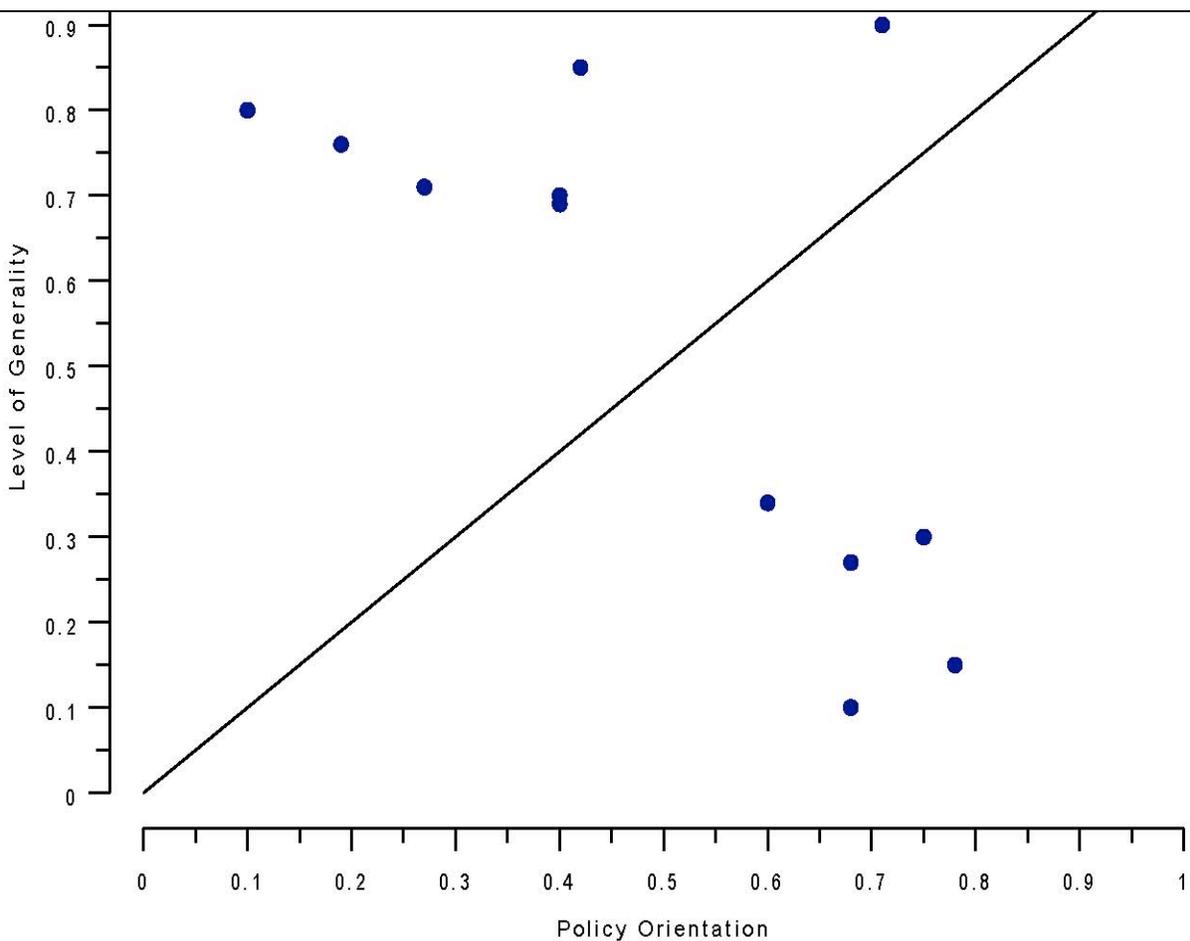
Table 4.1 – Table of Policy Orientation and Level of Generality Scores			
Ref Number	Author (or Title if edited)	Policy Orientation	Level of Generality
1	State of Native Nations	.4	.7
2	Austin	.75	.3
3	Cornell	.27	.71
4	Champagne	.42	.85
5	Navajo Nation Council Resolution	.68	.1
6	Rebuilding Native Nations	.4	.69
7	Lee	.1	.8
8	Lemont	.71	.9
9	Nielsen	.68	.27
10	Taylor and Kalt	.19	.76
11	Wilkins	.6	.34
12	Yazzie et al	.78	.15

The research on Native nation building can only do as well as it is specifically focused on a given case. As the research gets broader, its efficacy requires further fine tuning to ensure applicability to a particular Native nation. Research may fluctuate in its orientation toward traditional institutions. Policy makers must address Native constituency preferences regarding a given Native nation orientation toward their own endogenous philosophies and worldviews. Hence, fluctuations in policy orientation can be fine tuned for a given case deliberately. But what are the values of the Navajo people in terms of leadership and governance? One way to discover a Navajo world view is to look at the way in which they organized themselves politically and otherwise. I suggest looking at how the Diné governed themselves prior to contact and during contact with colonial actors. But readers might think the suggestion to revisit past interaction has already been accomplished here. I agree that we have visited a HISTORY and a PHILOSOPHY of governance and interaction. We have yet to CONCEPTUALLY

analyze past and present forms of Diné governance. What is yet to come may be

tantalizing.

CHAPTER V. DIBÉ NITSAA – REFLECTING ON CONCEPTS OF DINÉ

GOVERNANCE

A. Traditional Diné Concepts – Reflecting on the Past[vi]

We live today in our homes (Chapter Two). We can look back to the past

planning in order to better understand if those plans, as they were implemented in the

past, are effective in governing our lives today. Hence, my reflections are on past

concepts of Diné governance here. Before we can explore the relevance that traditional

Diné governance has for contemporary issues, we must more clearly understand the

mechanics of traditional Diné governance. We understand some of the normative

philosophy of Diné governance. Moreover, we understand some of the disruptions that

occurred during interaction vis a vis warfare and political economy destruction. What we

lack now is perspective on the function and dysfunction of pre-contact and post-contact

institutions of Diné governance.

The concepts of Diné governance presented here are based on primary and

secondary sources that are scant at best. While there is no concrete reason to assume the

literature is inaccurate, we should nonetheless remain cautious about relying too heavily

on the concepts as they are depicted. Rather, it is imperative to take the perspective,

metaphorically speaking, of a musician that is tuning their instrument. For example, a

guitarist has many possibilities available regarding the tuning of the instrument. In the

end, the point of playing music is to work with other musicians in order to create

harmonious sound. Harmony can only be achieved if all musicians work together. Yet,

cooperation is not possible without fine-tuning of the instruments themselves. As a

scholar of Diné governance, I am currently working alone using the concept building

method as an instrument. I eagerly await the day that others may comment on my "tuning" of the concepts. Thus, I remain open minded about the way in which these concepts are tuned to their environment. For this specific Chapter, the goal is to relearn how traditional Diné governance operated.

1. Concept of Naat'áanii

Oral tradition and some primary documentation point to the existence of Naat'áanii, or traditional Headman, in Diné society (Wilkins 1987 41). The components of Naat'áanii have been compiled from descriptive research and re-articulated into a three-level-view in Figure 5.1. The concept of Naat'áanii is made up of a several components. First there is a basic level label. Second, there are five secondary-level conditions under the basic level. Finally, there are conditions or traits that can be observed in the real world verifying the presence of individual secondary-level conditions. The term Naat'áanii is a place holder. One can change the name of the concept but, so long as the conditions underlying the concept remain intact, the concept itself will not change. Figure 5.1 also lists the five secondary-level traits which make up Naat'áanii. One may consider the five traits as necessary individually and sufficient collectively. In other words, each of the conditions must be present or the Naat'áanii concept cannot be observed. In other words, if an individual does not possess the five necessary conditions, that person cannot be a Naat'áanii. Yet, each condition alone is not capable of representing the full Naat'áanii concept. Rather, all five conditions must be present to form a complete Naat'áanii concept. All five conditions are sufficient to declare a Naat'áanii concept present or observable. How does one consider the presence or absence of the five conditions? Below the secondary-level conditions are connections

between said conditions and what might be observable by the average Diné citizen.

Below the secondary-level conditions are the data/observations which can be discerned

over and associated with the presence or absence of the corresponding secondary-level

condition. Consider one condition at a time as an example of the Naat'áanii concept

design.

Figure 5.1: Three-level View / Concept of Naat'áanii

Naat'áanii

Advice and Counsel from Hastóí and Hataałi	Selected by Diyin Dine'é	Intermediary between Diyin Dine'é and Diné people	Limited Scope to Region - reach of directives (geography)	Manage Political Economy, Morality, Internal affairs

-/+   -/+   -/+   -/+

1   2   1   2   3   1   2   3   3

Data/Observation Level
　　1. Recognition by Hastóí
　　2. Recognition by Hataałi
　　3. Recognition by Diné People of a given region

+ = and
- = or

Starting from the bottom left, notice that the data observation level is labeled one and two. The numbers one and two correspond with the recognition of the secondary-level trait by Hastóí (wise elders) and Hataałi (singers/medicine man/woman) (Wilkins 1987 41). The corresponding secondary-level trait is "Advice and Counsel from Hastóí and Hataałi" (Wilkins 1987 41). Thus, an analyst would observe the relationship as follows: Hastóí and Hataałli recognize the need to give their advice and counsel to a Naat'áanii. The act of giving their advice to a Naat'áanii verifies the legitimacy of a given Naat'áanii. If Hastóí and Hataałi lose faith in the leadership of a given Naat'áani, they may stop giving their advice and counsel to said Naat'áanii. Such action would eliminate the secondary-level condition labeled "Advice and Counsel". By eliminating the Advice and Counsel condition, the legitimacy of the Naat'áanii is eliminated. Hence, the concept of Naat'áanii does not exist as an investment into an individual. The ability to lead under Naat'áanii system is invested in the seat or position.

Note that Hastóí and Hataałi also recognize (or do not recognize) that a given Naat'áanii are the intermediaries between the Diné and "Diiyin Dine'é" (Wilkins 1987 41). Two outcomes of the relationship are of note: first, the concept of Naat'áanii as described in Figure 5.1 represents the important role that Hastóí and Hataałi represented in traditional Diné governance. Second, Hastóí and Hataałi had a heavy hand in determining who the Naat'áanii were. Note that Hastóí and Hataałi did not always have a say in every aspect of the concept of Naat'áanii. The secondary-level condition of geography and regional scope is solely determined by the recognition the Diné of a given region invested in their Naat'áanii. Once again, when the Diné failed to recognize a given Naat'áanii, the legitimacy of the Naat'áanii has come into question. In other words, one

would fail to observe a Naat'áanii if the support of the Diné of a given region did not recognize a given Naat'áanii. The aforementioned are the descriptive characteristics of the concept of Naat'áanii. Consider the formal theory aspects of the concept building method as they pertain to the concept of Naat'áanii.

Note the presence of a "+" in between secondary-level traits. A "+" signifies the English word "and" meaning that each condition must be present. Other concepts can replace "ands" with "ors" by replacing the "+" with the "-" symbol. When secondary-level traits are assigned a variable, one can express concepts as formal mathematical proofs. For example, if the secondary-level conditions of a Naat'áanii were assigned the letter A through E, moving from left to right, the condition of "Advice and Counsel from Hastói and Hataałi" could be represented as an "A". The condition "Selected by Diyin Dine'é" would be "B" and so forth. Such assignment leaves us with the following mathematical proof of the Naat'áanii concept:

$$A + B + C + D + E = \text{Naat'áanii}$$

These technical aspects become important later as the research analysis moves beyond description. Hence, it is important to carefully consider the level of generality within the secondary-level of a concept. A good concept construction calls for a basic level being the most general level. As such, Naat'áanii is the most general concept and remains at the basic level. Five secondary-level conditions are less abstract and more specific to the basic level concept. Notice that all five secondary-level conditions of Naat'áanii represent an approximately equal level of generality relative to one another. Carefully considering the various relationships examined briefly here will matter as tests of necessity, sufficiency, and substitutability of secondary-level traits are employed in future research. The main assumption here is that the traditional Diné governance structure can be

adopted and modified for contemporary use in Diné Country. Toward this end, another

concept of traditional Diné governance should be considered.

2. Concept of War Naat'áanii

Another trait of traditional Diné governance is the notion of having governing

specialists which focus their expertise on situations in time of war and peace. This

innovation is represented by the traditional Diné governance structure involving war

Naat'áanii and peace Naat'áanii (Wilkins 1987 43). In Navajo language, a war leader is

called Hashkéjí Naat'áanii. Figure 5.2 is a representation of Hashkéjí Naat'áanii in three-

level-view form. It is very similar in format as that found in Figure 5.1. Hashkéjí

Naat'áanii represents the basic level. There are two necessary conditions of Hashkéjí

Naat'áanii: knowledge and experience in one or more war ways and knowledge of war

way ceremony (Wilkins 1987 42). The primary and secondary research that exists on

Hashkéjí Naat'áanii are incomplete for various reasons. One can deduce that the aspects

of Hashkéjí Naat'áanii are inappropriate for sharing in research on Diné governance. The

lack of information is evident by looking at the secondary-level conditions of Hashkéjí

Naat'áanii. Notice that both secondary-level traits remain vague. Theoretically, it would

be possible to create a highly informed concept of Hashkéjí Naat'áanii by discovering

and sharing in this text the various war ways in terms of experience and ceremony. In

other words, one could set up a set of secondary-level conditions below "knowledge and

experience" and "ceremony". Ultimately, divulging information on Hashkéjí Naat'áanii

is not necessary for contemporary Diné governance to function adequately. (See Chapter

Three for evidence of purging of Hashkéjí Naat'áanii on Navajo Nation). The benefit to

focus on here is how the concept building method highlights vagueness and ambiguity in

Hashkéjí Naat'áanii traits. This benefit will be useful when discussing early twentieth

century concoctions for Diné governance.

Figure 5.2: Three-level View / Concept of Hashkéjí Naat'áanii
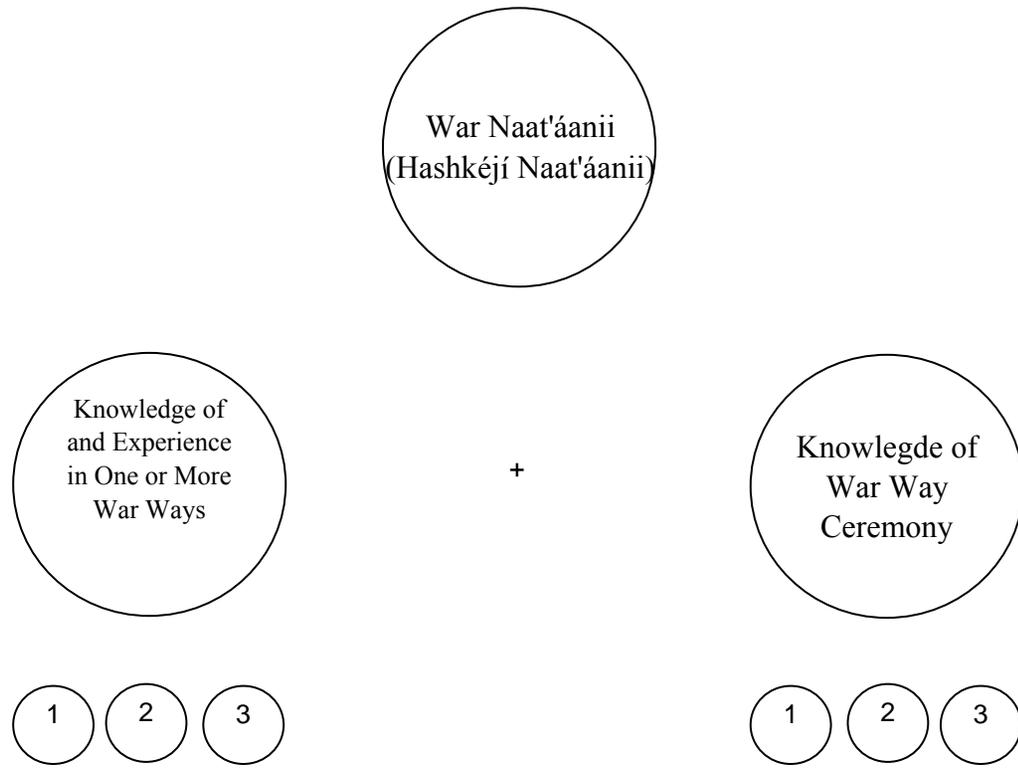
War Naat'áanii
(Hashkéjí Naat'áanii)

Knowledge of
and Experience
in One or More
War Ways

+

Knowlegde of
War Way
Ceremony

1 2 3

1 2 3

Data/Observation Level

    1. Recognition by Hastóí

    2. Recognition by Hataałi

    3. Recognition by Diné People of a given region

+ = and

- = or

3. Concept of Peace Naat'áanii

The most useful concept of traditional Diné governance is the peace Naat'áanii. (Peace leaders are called Hózhǫ́ǫ́jí Naat'áanii.) Figure 5.3 is the three-level-view of the Hózhǫ́ǫ́jí Naat'áanii. The five necessary conditions are: 1. contribute to the sacred needs of Diné life and culture, 2. exhibit character, 3. be a good speaker, 4. exhibit charisma, and 5. contribute to the day to day needs of Diné life and culture (Wilkins 1987 41-42). All of these secondary-level conditions are recognized by the Hastóí, Hataałi, and the Diné of a specific region. Several Naat'áanii meet regularly for a Naachid (Wilkins 1987 41).

Figure 5.3: Three-level View / Concept of Peace (Hózhǫ́ǫ́jí) Naat'áanii

Peace (Hózhǫ́ǫ́jí) Naat'áanii

Contribute to the sacred needs of Diné Life and Culture

+

Exhibit Character

+

Be a good speaker

+

Exbhibit Charisma

+

Contribute to the day to day needs of Diné Life and Culture

1   2   3   1   2   3   1   2   3   1   2   3   1   2   3

Data/Observation Level
     1. Recognition by Hastóí
     2. Recognition by Hataałi
     3. Recognition by Diné People of a given region

\+ = and
\- = or
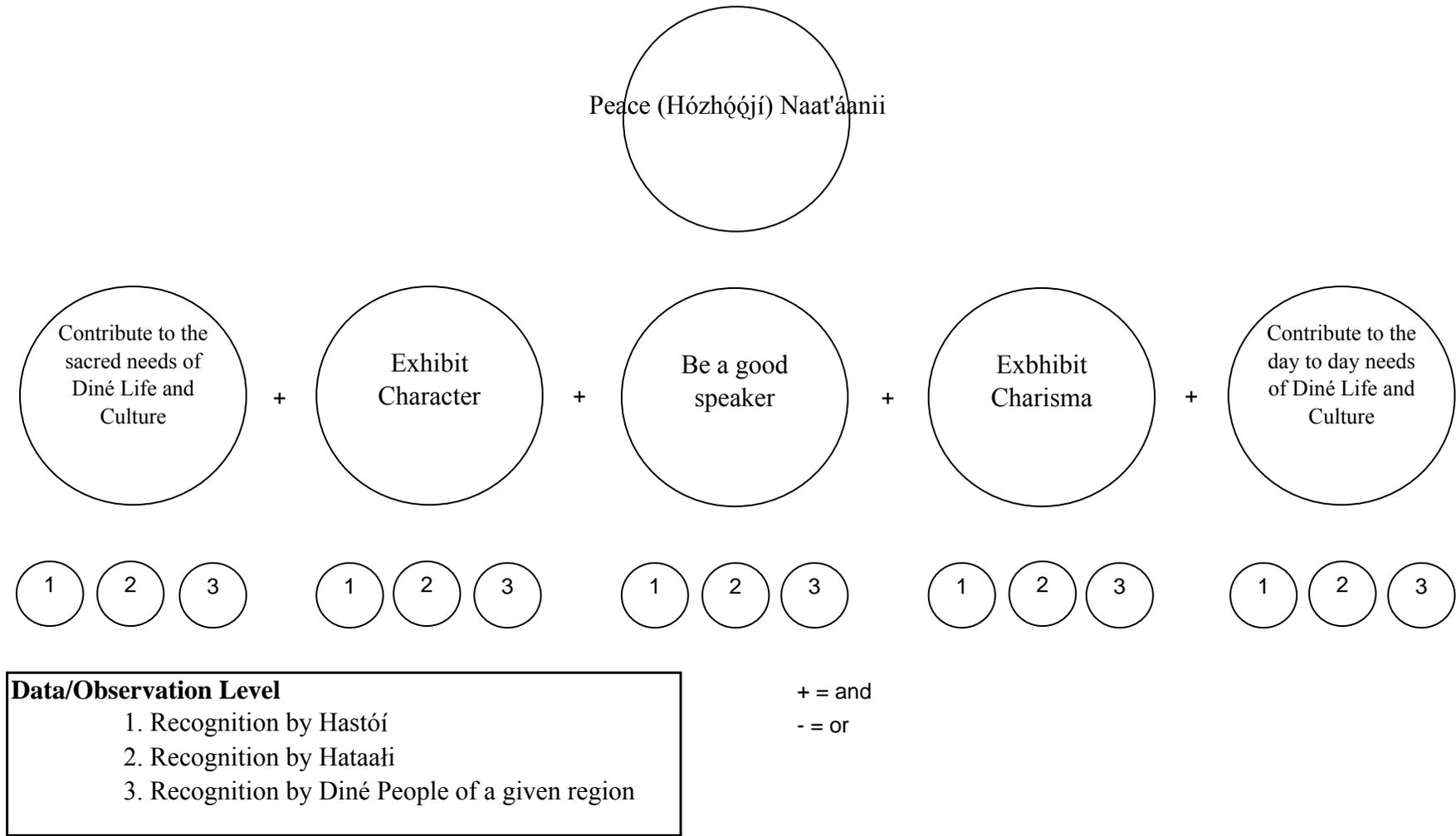
4. Concept of War and Peace Naachid

Primary records indicate the existence of a Hashkéjí Naachid and a Hózhǫ́ǫ́jí Naachid. A Hashkéjí Naachid is depicted in Figure 5.4. There are five necessary conditions of a Hashkéjí Naachid: 1. a Hashkéjí Naachid meets every two to four years or during an emergency which affects several regions, 2. There are 12 Hashkéjí Naat'áanii present although some reports indicate as few as 6 or as many as 24, 3. war is occurring, 4. 12 Hózhǫ́ǫ́jí Naat'áaanii are present, and 5. Hashkéjí Naat'áanii have the floor. Note that the data/observation level involved recognition of all five necessary conditions by the Hastói, Hataałi, and the Diné of the respective regions of the various Naat'áanii. A Hózhǫ́ǫ́jí Naachid (Figure 5.5) is very similar to the Hashkéjí Naachid with two exceptions: First, if there is no state of war, second, then the Hózhǫ́ǫ́jí Naat'áanii have the floor. The afore mentioned illustrates how three-level-view concepts can help us better understand traditional Diné governance. One needs to contrast concepts of Diné governance with English descriptions of Diné governance to truly appreciate the difference.

Figure 5.4: Three-level View / Concept of War (Hashkéjí) Naachid
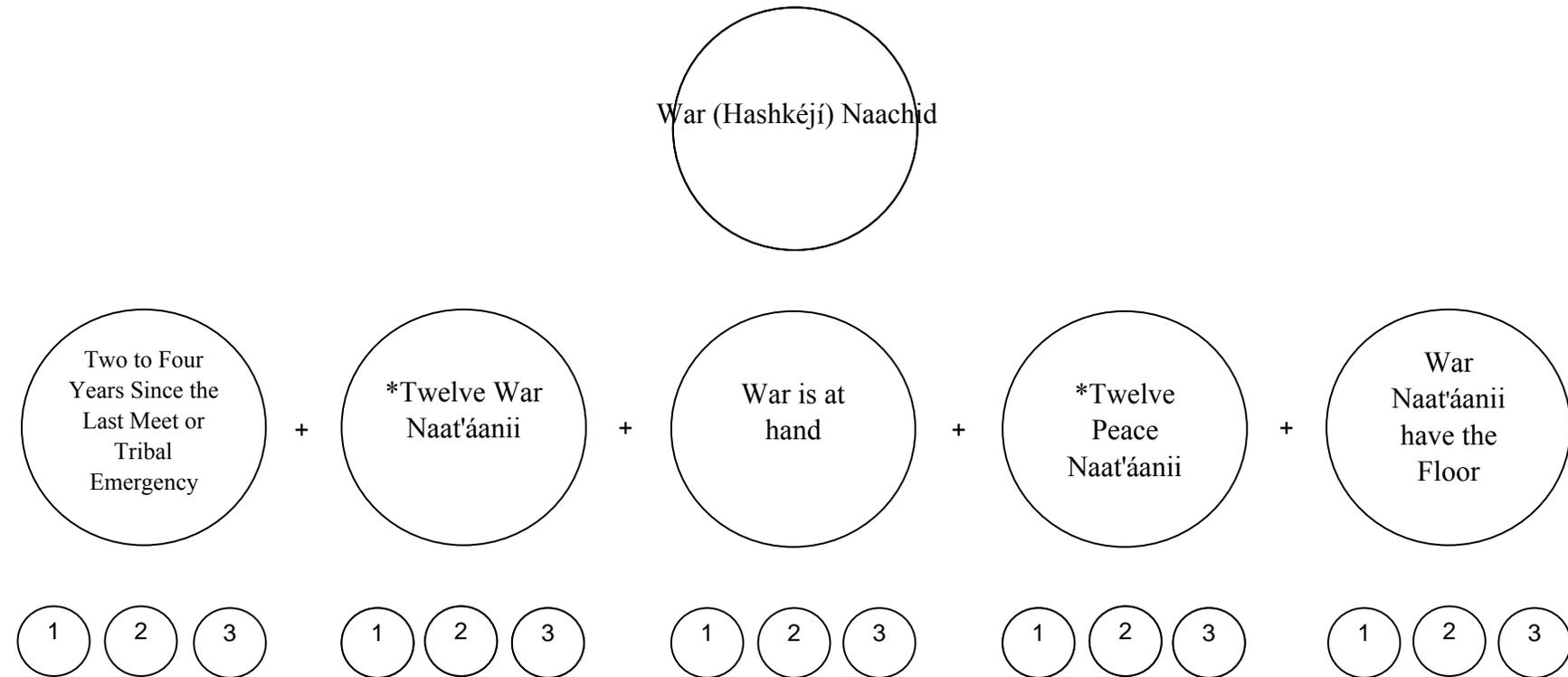
War (Hashkéjí) Naachid

Two to Four Years Since the Last Meet or Tribal Emergency + *Twelve War Naat'áanii + War is at hand + *Twelve Peace Naat'áanii + War Naat'áanii have the Floor

1 2 3   1 2 3   1 2 3   1 2 3   1 2 3

Data/Observation Level
  1. Recognition by Hastói
  2. Recognition by Hataałi
  3. Recognition by Diné People of a given region

* could be six

\+ = and

\- = or

Figure 5.5: Three-level View / Concept of Peace (Hózhǫ́ǫ́jí) Naachid
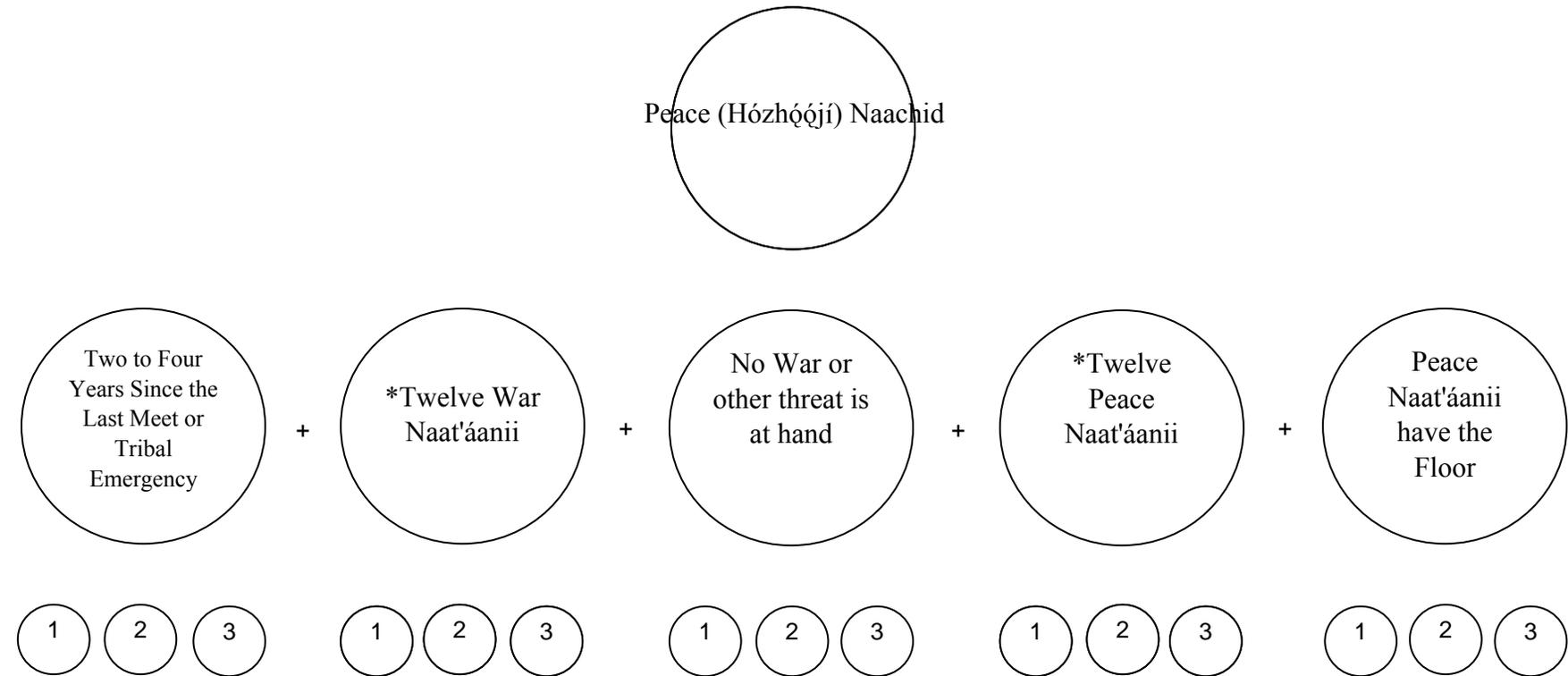
Peace (Hózhǫ́ǫ́jí) Naachid

Two to Four Years Since the Last Meet or Tribal Emergency

+

*Twelve War Naat'áanii

+

No War or other threat is at hand

+

*Twelve Peace Naat'áanii

+

Peace Naat'áanii have the Floor

1 2 3   1 2 3   1 2 3   1 2 3   1 2 3

Data/Observation Level
    1. Recognition by Hastóí
    2. Recognition by Hataałi
    3. Recognition by Diné People of a given region

* could be 6 or 24

+ = and

- = or

B. Contemporary Diné Concepts – Reflecting on the Interruption

We have thus far reflected on the way in which Diné governance may have functioned. The concepts are based on a scant primary and secondary record supplemented by the philosophy furnished by Avery Denny. However, as the normative philosophy outlines, it is also beneficial to look to how some events may not have been foreseen by the Diné. Yet, even when Diné leaders foresaw events, they could have been so catastrophic that it might not have been possible to utilize the Diné process to properly plan for the coming chaos. Perhaps this was the case when it came to the treaty of 1861, Hwéeldi (The Long Walk), the Carson campaign, and the treaty of 1868 signing. These events are discussed in detail in Chapter Six. For now, let us assume that we all agree these four events were catastrophic to pre-1861 Diné governance. This "interruption" allowed for a vacuum in power to settle into Diné Bikéyah or Navajo land. It was not until natural resource conglomerates took notice that any individual was capable of securing control of the power vacuum left in the wake of the loss of the Naat'áanii system.

1. Business Council of 1922

The distinction between description and explanation may seem semantic, but the ability to see function and dysfunction, comes in the form of understanding and linking intention and action. For the purpose of clarification, let us assume that the contemporary era of Diné governance dates back from today to 1922. The discovery of oil in Diné Country during the early 1920's is a major factor involving why a Business Council was formed in 1922 (Wilkins 1987 48). Yet, one of the greatest disservices that can be bestowed upon the citizens of Diné Country is to misrepresent their contemporary

governmental structures in terms of functionality. Expressing and depicting all of the

forms that contemporary Diné governance took on using the concept building method

may be dismaying. However, the concept building process will highlight how things went

wrong. Three-level-views of contemporary Diné governance can work as a diagnostic

tool highlighting problems which need addressing directly. Consider Figure 5.6 and its

depiction of the first Tribal Council of 1922. One of the most flagrant features of Figure

5.6 is the way in which the components of the Council are top heavy. The heavy

emphasis on administration is a good indication that very little connects the Tribal

Council of 1922 with the Diné constituency. Primary and secondary resources are a bit

scant regarding the Tribal Council of 1922 (Wilkins 1987 48). Such vagueness is usually

an indication that there was a problem with the concept itself. The basic level in Figure

5.6 is represented by the Business Council moniker. The conditions that made up the

Business Council lack any logic involving the interests of the Diné.

Figure 5.6: Three-level View / Concept of 1922 Tribal Council

Business
Council

Distribute
Royalties

+

Three Navajos
chosen by
Secretary of
Interior

+

Lease Land

Oil

Data/Observation Level
      Access to and distribution of oil, oil revenue.

+ = and
- = or
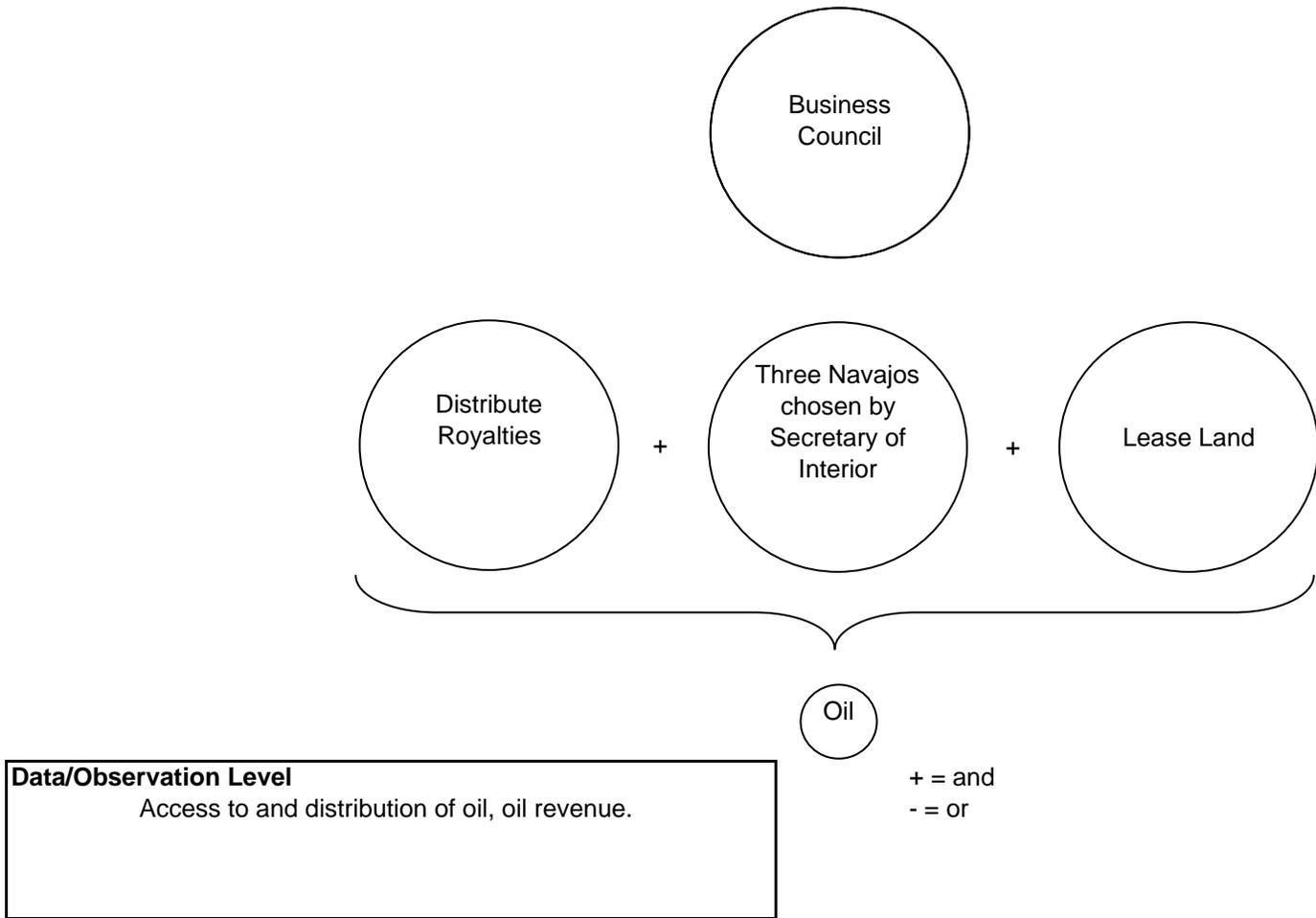
First, the distribution of royalties is present. This condition is linked back to the change in policy that the U.S. implemented enforcing a revenue distribution mechanism across all of Diné Country and not focusing on the regions as it had before (Wilkins 1987 49). Why this change? In superficial terms, the essence of re-distributing royalties in any agreement must take into account a finite set of resources. That being the case, re-distribution inherently must remove "excess" resources and transfer such remainders into the hands of non-Diné. Figure 5.6 reflects the inherent bias in several ways. The vague secondary-level condition of distributing oil revenue contains unstated conditions underlying it. The primary and secondary resources on the topic document the existence of resource extraction corporations (Wilkins 1987 48-49). The Business Council, therefore, is not easily pinned to a clearly established agenda. Individual administrators are free to inject their own judgment and, as many critics suspect, their own self-interest into how royalties will be distributed. The secondary-level condition of the three Navajos appointed by the Secretary of Interior has its own problems with vagueness.

An unclear agenda regarding the qualifications of the "three Navajos" an unclear set of limits for their actions, no mention of accountability, and various other unmentioned details leave such an arrangement under a cloud of suspicion and ambiguity. Finally, the third secondary-level condition involving land leasing does not take much into account. Viewed objectively, the Business Council of 1922 is a rubber stamp mechanism meant to ensure the vitality of parties interested in royalties related to oil on the Navajo reservation. The biggest concern with the three-level-view of the Business Council is found in the absence of conditions and data/observation level traits that would ordinarily be found in governance institutions. Where is health care and

education of the Diné handled? Diné governing mechanisms continued to evolve but the changes do not seem to improve much.

On January 3, 1923, the Business Council was modified and tasked with assembling a committee to create a Navajo Tribal Council (Wilkins 1987 51). Using the concept building method as a guide for criticism, the main problems involved two basic level conditions stacked on top of one another and a vaguely constructed data/indicator. Figure 5.7 contains the three-level-view of the modifications model. The main focus of the modifications, in comparison with the Business Council three-level-view, involves the secondary-level conditions. In the absence of other information, one could conclude that the modifications of January 3, 1923 are the result of hasty work. Here, evidence in the primary and secondary literature points to self interest. There is evidence that the January 3, 1923 model was hastily assembled in the wake of the Business Council model because the Business Council model was not accepted as a legitimate body fit to represent the Diné (Wilkins 1987 51). Second, the January 3 three-level-view contains evidence of careful planning as well as sloppy planning. Note that the secondary-level conditions are carefully constructed. The majority of the secondary-level conditions are under the scrutiny of some branch of the U.S. government. Delegates and alternate delegates are removable by the Secretary of the Interior. Also, the Navajo Tribal Council can only meet when the Commissioner of Indian Affairs is present. Less apparent is the connection that a Chair and Vice Chair might have with U.S. interests. Regardless, if a Navajo Tribal Council is to function in service of the Diné, the collection of secondary conditions must be questioned and the most obvious problems involve conflict of interest. A holdover from the Business Council model is the vague and ambiguous language used

in the data/observation level. When a goal for a council is being a "Federal Instrument of

Dealing with All Matters of the Tribe" it becomes much easier to table items especially if

the secondary-level conditions are weighted in favor of U.S. interests. More

modifications followed.

Figure 5.7: Three-level View / Concept of Tribal Council Modifications of January 3, 1923

Committee to Create a Navajo Tribal Council

Navajo Tribal Council

Meet when the Commissioner is Present

+

*Delegate from each Agency

+

*Alternate Delagate from each Agency

+

Chair

+

Vice Chair

* Removable at the Discretion of The Secretary of the Interior

Federal Instrument of Dealing with All Matters of the Tribe
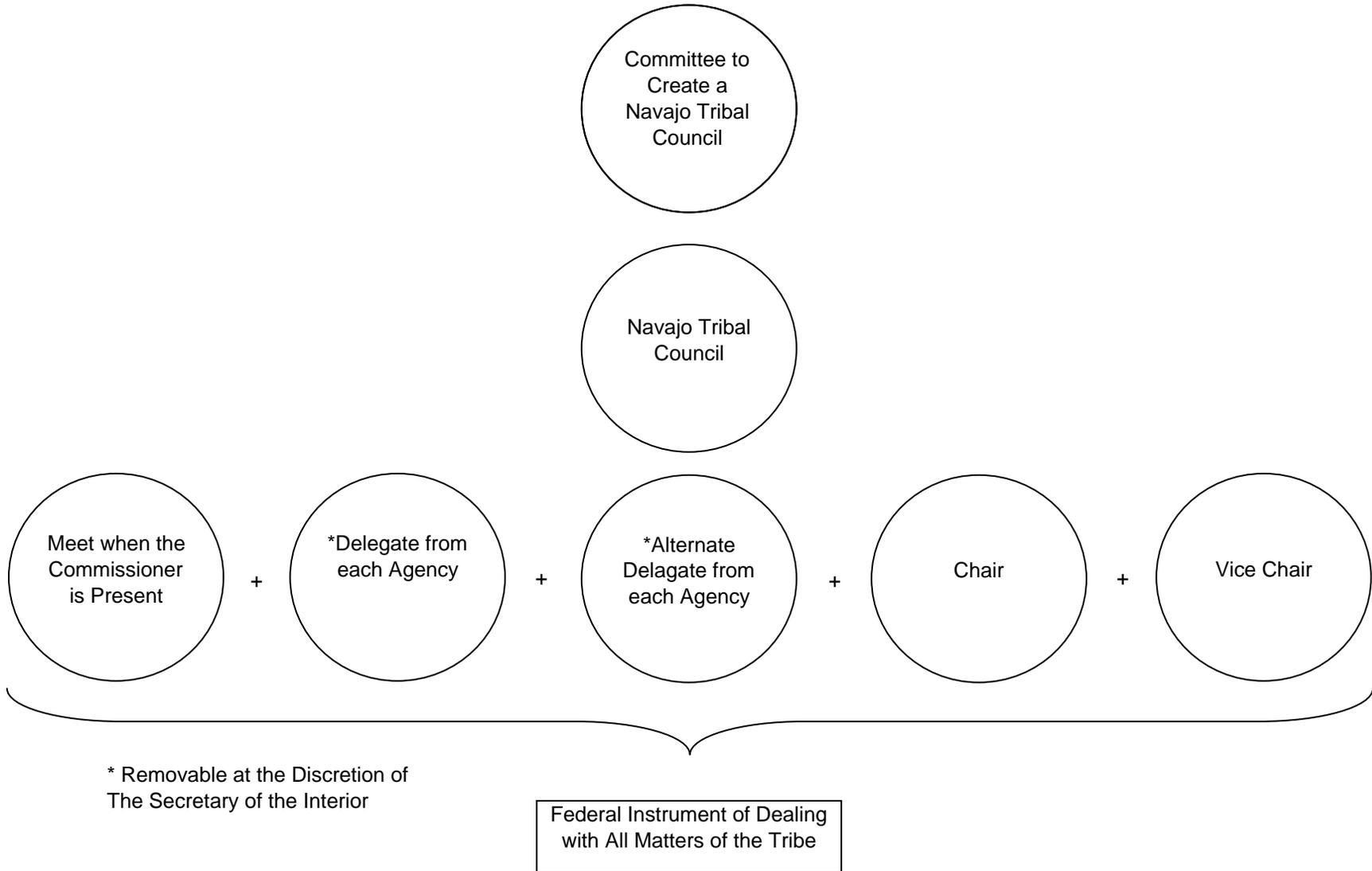
2. Navajo Nation (Tribal) Council

On January 24, 1923, a Tribal Council was formed (Wilkins 1987 49). Perhaps, it is more accurate to state that the January 3 body was modified into the January 24 model. Figure 5.8 is a three-level-view of the January 24 body. The January 24 model is still problematic but it is the best model used so far by the Diné since traditional Diné governance was in place, at least from the standpoint of concept building criteria. The basic level is properly tied to the secondary-level conditions. These conditions all seem to have maintained a similar level of generality. The main issue to discuss is the continued weight that U.S. interests attempted to maintain within the Council. Some U.S. interests were systematically removed, as indicated by the asterisks, from the model. The first significant change came in 1933 when the secondary-level conditions "Federal representative be present at council meetings" and the requirement to "convene at the liberty of the Commissioner" were revoked as necessary conditions (Wilkins 1987 49). Regardless, the main problem still involves the data/observation level.

The vagueness of language still remains the problem leading to the potential for power domination by elites within the Tribal Council. One caveat is that the January 24 Council was less likely to represent U.S. interests as the secondary-level conditions less overtly represented U.S. interests (Lukes 2005). Scholars might conclude that the Tribal Council body was hijacked by Diné citizens as evident by the several revocations that took place since its 1923 introduction. Over time, the data/observation level expanded to take on a form of Diné governance rather than merely serve as an advisory board to the Commissioner of Indian Affairs. One might assume that the January 24 model and its

modifications would have remained in place had it not been for the Indian Reorganization

Act.

Figure 5.8: Three-level View / Concept of Tribal Council of January 24, 1923

Tribal Council

**

Twelve Delegates

+

***Twelve Non-Voting Alternates

+

Chair

+

Vice Chair

+

Federal Representative Present

+

*Convene at the Liberty of the Commissioner

Give Commissioner Hagerman Advice

****Give Commissioner Haggerman the Authority to sign all oil and gas leases

All of the Changes

* - Changed to Commissioner of Indian Affairs 10/15/28
** - Revoked 10/3/33
*** - Given Vote 7/10/34
**** - Expanded its scope of Observation

The U.S. interest in pushing tribal governments into the envelope of a U.S. constitutional model government contributed to the Navajo Nation creating a Tribal Constitutional Assembly in 1938 (Wilkins 1987 52). As was the routine, when U.S. interests got involved with Diné governance, a top heavy model was constructed as is evident by Figure 5.9: a three-level-view of the Tribal Constitutional Assembly. The Constitutional assembly, however, failed to write a constitution. Once again, a look at the secondary-level conditions point to a U.S. interest. The most overt presence of U.S. interest in the assembly is the approval requirement indicating that resolutions cannot take effect unless the Secretary of Interior approves. Less overt, but questionable at the very least, is the secondary-level condition involving rules for participation as a council member. Any set of rules which govern the participation in any exclusive body must be scrutinized for their discriminating properties to ensure that any unethical exclusions are not allowed to take place. Rules for participation are always subject to power domination (Lukes 2005).

From a functional point of view, the basic level condition of "constitutional assembly" floated down into the secondary-level conditions and became a "*bonafide*" legislative body. By *bonafide*, one can consider how U.S. models for legislative bodies have the proclivity to produce professional politicians who, at times, seem more interested in protecting their job security than in serving their constituency. Finally, a look at the data/observation level indicates a good start. Shifting conditions create problems and vagueness reappears. We know that the original intent of the constitutional assembly was to write a constitution. But when the object was not fulfilled, a much broader scope of governing Diné Country was introduced by virtue of the Council voting

itself into office (Wilkins 1987 52). Ill defined objectives allow for secondary-level

actors to dominate the legislature (Lukes 2005). Left unclear in all of these changes is the

impact that each of the various councils have today.

Figure 5.9: Three-level View / Concept of Tribal Constitutional Assembly 1938:
This Became the "Rules for the Navajo Tribal Council"

Executive Committee Created 11-24-36

Constitutional Assembly Devised

Rules for Participation - as Council Members

+

Basic Level Morphs into Legislative Body

+

Seventy-Four Delagates

+

Executive Office: Chair and Vice Chair

+

Resolution / Ordinance Approved by Secretary of Interior

*Write a Constitution

* Changed objective to Governing Diné in 1938

-Unclear to me how these rules relate to previous councils but they all appear to overlap somehow

3. Complimentary and Conflicting Convergence in Contemporary Diné Governance

There are many tough questions which are unclearly addressed. Research of the primary and secondary literature produced ill-defined concepts of what constitutes contemporary Diné governance. One exception is David Wilkins work on contemporary Diné governance (Wilkins 2002a). His work is primarily descriptive. Today there is a Navajo Nation Council, an advisory committee, a Navajo Nation Council Code which includes a Bill of Rights, a description of Navajo Government Structure and Power, an outline of tribal membership criteria, election laws, outlines for dealing with fiscal matters, various business and commercial statutes, land use/natural resource management criteria, and elements dealing with law and order (Wilkins 2002a). Included in the Wilkins work is a diagram of contemporary Diné governance incorporated here as Figure 5.10 (Wilkins 2002a). The most prominent features of contemporary Diné governance involve the three-branch system made up of an executive, a legislative, and a judicial branch.

Figure 5.10: NAVAJO NATION THREE-BRANCH GOVERNMENT (Wilkins 2002a)

NAVAJO NATION
THREE-BRANCH GOVERNMENT

EXECUTIVE BRANCH	LEGISLATIVE BRANCH	JUDICIAL BRANCH

Office of the Navajo Nation President and Vice-President

Executive Offices

- Navajo Nation Washington Office
- Navajo/Hopi Land Commission
- Office of Navajo Tax Commission
- Office of Attorney General
- Office of Management and Budget

- Division of Finance
- Division of Public Safety
- Division of Human Resources
- Division of General Services
- Division of Education
- Division of Health Services
- Division of Social Services
- Division of Community Development
- Division of Economic Development

Office of the Navajo Nation Speaker

- 88 Council Delegates
- Intergovernmental Relations Committee
- Navajo Nation Council Standing Committees
- Boards and Commission

Legislative Offices

- Office of Legislative Services
- Office of Legislative Counsel
- Office of Auditor General
- Office of Ethics and Rules
- Navajo Election Administration
- Navajo Labor Commission
- Navajo Government Development
- Office of Miss Navajo Nation
- Community Services Program
- Legislative Personnel
- Northern Navajo Agency Program
- Agency Network Program

Navajo Nation Supreme Court

- Office of the Chief Justice
- Two Associate Justices

District Courts

- Chinle District Court
- Crownpoint District Court
- Kayenta District Court
- Ramah District Court
- Shiprock District Court
- Tuba City District Court
- Window Rock District Court

Family Courts

- Chinle
- Canoncito
- Crownpoint
- Alamo
- Tuba City
- Window Rock
- Shiprock
- Peacemaker Courts

Local Chapter Governments

110 Navajo Nation Chapters

In December 1989, the Navajo Nation Council enacted Resolution CJA-72-89, which codified the separation of powers between the three branches.

Source: Office of Navajo Government Development. Navajo Nation Government Booklet (Window Rock, Arizona: Office of Navajo Government Development, 1997), 18.

Presumably, the legislative and executive are derivative of the various Navajo

Nation councils. There are problems, however, with the Wilkins chart. First, it is unclear

if the Wilkins Graph represents a normative or a realistic depiction of Diné governance.

Second, it is still unclear what impact previous versions of the various Councils have on

contemporary Diné governance and these impacts are not represented in the Wilkins

chart. Third, there is no mention of Diné cultural norms in the Wilkins chart. Without

cultural norms, legitimacy is questionable at best. Facing a realistic depiction of Diné

governance is necessary for improving Diné governance.

In fairness to Wilkins, his research in (2002a) was constructed for the purpose of

answering his research question: "Have democratic traditions taken hold?" For the

purpose of his research question, the Wilkins diagram is an exemplary model. To take his

model and use it to analyze contemporary Diné governance, inject Diné cultural values,

and reconstruct contemporary Diné governances stretches the capacity of the Wilkins

diagram beyond its limits. Given this stipulation, it is necessary to look at contemporary

Diné governance in a different manner. In the tradition of brutal honesty, contemporary

Diné governance is messy, much messier than it is depicted as in Wilkins (2002a). The

consequences of a Tribal Code, which allows for rule by resolution, followed by the

cementing of the "Rules for the Navajo Tribal Council" set up a situation in which

individual Diné were capable of securing an executive position and consolidating power

within the executive branch (Wilkins 1987 61). Power consolidation in the executive was

later offset by the legislative branch and a judicial branch was added. The relationships

between the executive, legislative, and judicial branches were further modified by CD 68-

89 (Wilkins 2002a). Left unclear are the ways in which recent modifications have

augmented, negated, or left unmodified previously articulated governmental changes. With these caveats in mind, consider the following, potentially biased, representation of contemporary Diné governance.

Figure 5.11 is an alternative representation of contemporary Diné governance. It is based on set theory (Ragin 1987; Ragin 2000; Ragin 2008). Each circle represents a population of legal instruments which have been enacted at some point for the purpose of governing the Diné. When the representative circles overlap, it means that a population of legal instruments are interacting with another set of legal instruments. Interaction is used here to represent that one of three possible outcomes is taking place: First, one set of legal instruments may be negating another set of legal instruments. Second, one set of legal instruments may be enforcing or rearticulating another set of legal instruments. Third, one set of legal instruments may be inadvertently and/or unknowingly contradicting another set of legal instruments. Making the issue of contemporary Diné governance more interesting is the inability for research analysts to limit the populations of legal instruments to two. Instead, Diné governance is subject to at least seven populations of legal instruments. Each must address issues that others have previously dealt with overtly or otherwise. These populations also deal with problems that previous populations failed to recognize. The reality of the matter is that the primary and secondary sources are limited with respect to the interaction between the seven populations of legal instruments potentially governing Diné Country. Research on this matter in the future is certainly warranted. Regardless, these interactions must be clarified and understood by any group proposing modification to contemporary Diné governance.

Figure 5.11: Subset View of Contemporary Navajo Governance: unclear what still holds power

Executive and Standing Committees

Codified Resolution

Legislative

Judicial

"Rules"

CD 68-89
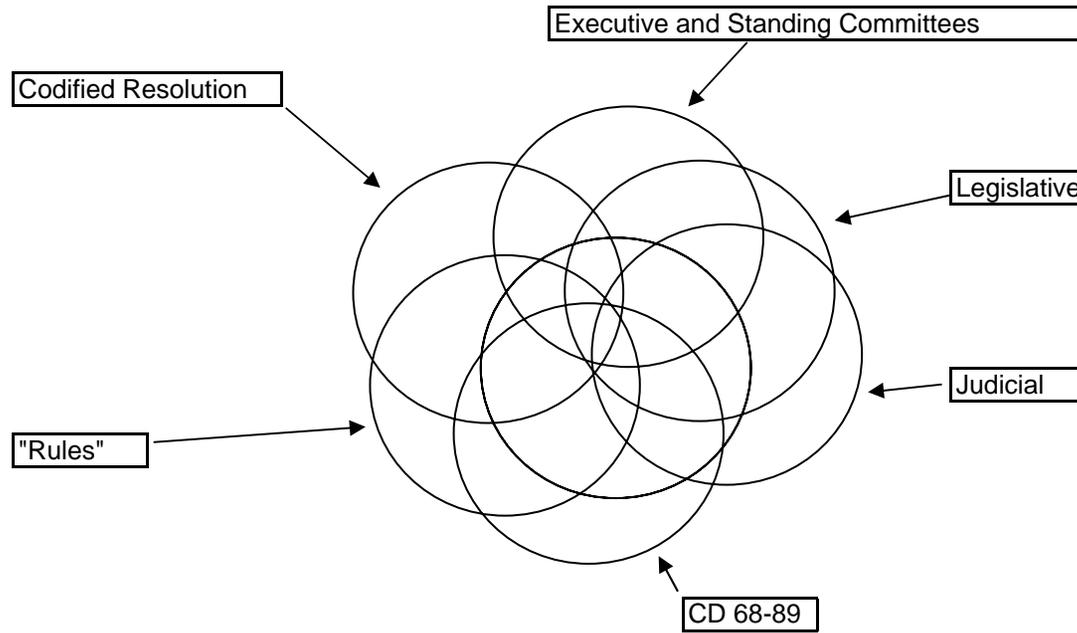
There are examples of traditional Diné governance in contemporary institutions of the Navajo Nation. Yet, there remains neglected areas which do not incorporate as much of the traditional institutions as might be possible. First, I will cover what does exist in contemporary Diné governance generally. Then, I will propose specific aspects of contemporary governance which might be improved if traditional institutions are better incorporated into the contemporary institution. Institutions are a part of a political science perspective that entails making some general assumptions about the political environment. The institutional perspective is defined as:

> A perspective that sees political interaction as depending on actors pursuing actions that are compatible with their interests and that are constrained by the structure of the situation in which they find themselves, especially the structure of political institutions. (Bueno De Mesquita 2009 434).

Hence, I assume that contemporary Diné governance must grapple with the norms of European style governance. I also assume that not all aspects of European norms of governance are compatible with traditional Diné governance. There is a plethora of evidence on this assumption in Chapter Two on the Philosophy of Diné thinking. The comparative differences are more apparent in Chapter Three on the history of Diné governance. As a result, a third assumption is that European norms of governance are here now and cannot be dismissed as non-existent. As such, we must acknowledge the institutional perspective as a way of holding future leaders to some standard of accountability. I argue that the institution is a constraint we must work with in order to bring more traditional approaches to governance into the future.

Let's return to the definition of the institutional approach to political science. Contemporary Diné governance is a process of interaction today, as it was prior to contact with colonial actors. A fact that must be well understood is that "interests" may have changed but they have always been a part of Diné governance. If the institutional perspective is useful to us, it is useful because the structure of domestic and international relations are going to limit the activity of leaders. This assumption can be a benefit to the Diné by painting their leaders into a corner regarding policy decision-making. The leap that must be made now is accepting the possibility that traditional Diné governance may be worked into contemporary Diné institutions in such a way that they promote the well being of Diné citizenry. This helps us to understand how institutions can work to keep leaders honest. It also is a blue print for how we can push the institutions further into the area of traditional Diné governance. Let us examine some examples of how this is already occurring.

C. Contemporary Role of Traditional Diné Governance

The role of traditional governance today is diverse. One can find traditional governance practices in many of the contemporary governance institutions of the Diné. One source of these traditional teachings is expressed in the Fundamental Laws of the Diné. A concerted effort emerged in the late 1990's to incorporate the Fundamental Laws into various aspects of contemporary Diné governance. At the urging of the speaker of the Navajo Nation Council, research was conducted on Fundamental Laws and the heads of all three branches of the Navajo government signed a "Statement of Fundamental Priorities." The Statement of Fundamental Priorities concluded that the key to securing the sovereignty of Navajo Nation was to integrate the Fundamental Laws into all

branches of the Navajo Nation government (Bobroff 2004-2005). This effort has been

successful in establishing Fundamental Law as a form of governing guidelines that are

accepted as legitimate not only domestically (within the Navajo Nation) but also

internationally (beyond the borders of the Navajo Nation). While it is beyond the scope

of this research to detail every facet of the reintegration of Fundamental Laws into the

various branches of government, let's visit some of the recent interactions.

The Navajo Nation Council passed resolution CN-69-02 entitled Diné Bi

Beehaz'áanii Bitsé Siléí or narrowly understandable in English as The Foundation of the

Diné, Diné Law, and Diné Government. This resolution officially recognized four aspects

of Diné Fundamental Laws including Traditional Law, Customary Law, Natural Law,

and Common Law. CN-69-02 points out the basis for Diné life ways and how these

aspects of their creation need inclusion in their contemporary government:

> It is the duty of the Nation's leadership to preserve, protect and enhance the Diné
>
> Life Way and sovereignty of the people and their government; the Nation's
>
> leaders have always lived by these fundamental laws, but the Navajo Nation
>
> Council has not acknowledged and recognized such fundamental laws in the
>
> Navajo Nation Code . . . (Council 2002)

Given the problem identified by the amendment, the next step was to officially recognize

the Fundamental Laws of the Diné. Section 8 of the resolution calls for the branches of

Diné government to, "learn, practice and educate the Diné on the values and principles of

these laws" (Council 2002). In section 9, the Council acknowledges that much more work

is needed and that merely recognizing the Fundamental Laws is not enough (Council

2002). This acknowledgment is in part a realization that capturing the Fundamental Laws

is a great academic undertaking. It is not a realistic goal for the Council to undertake in

isolation. Secondly, it may be that there is an implied acquiescence by the Council to

reluctantly admit how acknowledging the Fundamental Laws does not by itself

incorporate the Fundamental Laws into contemporary Diné governance. Thus, it is

important to revert back to the discussion on institutions and how they may work to

constrain future leader's policy implementations. The institutions of the Diné, and all

governments, have a life of their own. Individuals merely adapt their choices to maintain

their interests as their identity is impacted by the interaction with other international

actors. Let's begin considering how such institutional constraints may work well to guide

behavior of leaders based on the virtues of the Fundamental Laws.

1. Institutions of Traditional Diné Governance: Ałch'į'Sila

As has been previously argued, institutional constraint on leadership is one way of

ensuring that traditional Diné values remain at the forefront of policy-making decisions.

Admittedly, it is antithetical to Diné values to consider imposing rules of conduct

involving cultural norms on a contemporary governance institution. Yet, it is not clear

that an alternative to such a path exists. The notion that European philosophical thought

is out of synch with Diné values is not lost on this researcher. But, just as has been

demonstrated in other sections, the ability to fine tune methodological approaches is the

key to resolving conflicting ideas regarding governance and institutions today. In the

spirit of fine tuning, the most closely related explanation for the survival of traditional

Diné institutions involves the theory that these institutions have a life of their own. This

life is based on the interaction of identity, choices, and interests which all collaborate to

exhibit governance behavior. Both of the above approaches arrive at the same end point.

But our path to the end point is more important to understand so that future governance modifications can be consistent with the values of the Diné.

These caveats in mind can allow us to explore the notion of Ałch'į'Sila. It is a good way of creating institutions in contemporary Diné governance capable of surviving the self interest of future leaders not willing to live up to traditional Naat'áanii norms. In other words, if we can guide the behavior of future leaders along institutional boundaries set forth by Ałch'į'Sila, we are one step closer to realizing the goal of showing how traditional Diné governance remains salient today and tomorrow.

It is not possible to properly translate Ałch'į'Sila into English. Rather, one must rely on some examples that exemplify the attributes of Ałch'į'Sila. Consider the Diné notion of male and female rain. Generally, rain is called "níłtsá." But, in Navajo language, there are at least two types of rain based on seasonal changes and the characteristics of the rain. From late July to early September, a monsoon condition impacts the weather pattern in Navajo land. The elevation, proximity to warm water near the equator in the pacific ocean, and high and low pressure patterns allow for the relative humidity to rise drastically when compared to non-monsoon times. The result is a muggy feeling during this time. But these elements work together to create thunder, lightening, and heavy but brief rain downpours. The Diné call this kind of rain "níłtsá bika'" or male rain. The characteristics of male rain are associated with the male, namely violence, loudness, and suddenness. But there also exists a gentler, more subtle down pour that is associated with the winter months. This female rain, or "níłtsá bi'ááó," is said to characterize the demeanor of women since it is quiet, gentle, and subtle. The distinction is made not to rank the two types of rain. Rather, both rains are necessary to the survival

of the Diné or at least this was truer before contact with non-Native people (Cody 2009).

You could not have life with only one or the other. In this way, the two rains

complimented each other and made the Diné complete. Male and female rain are one

example of Ałch'į'Sila. There are many other examples of Ałch'į'Sila and some are

relevant to governance.

Lessons regarding the proper way to rely on Ałch'į'Sila as a guide for successful

ways to lead your people have always been a part of Diné governance prior to contact.

The level of impact Ałch'į'Sila has on contemporary leaders is debatable, diverse, and

difficult to observe. But the fact that some of the leaders still rely on Ałch'į'Sila to guide

their decisions today is testament to the fact that it could be a great institution for future

leaders to utilize for the best interest of the Diné. Constructivists argue that institutions

survive because they are shaped by the culture of the people who created them based on

their identity, their interest, and their policy choices resulting in their particular group

behavior (Hopf 2002). A general depiction of how Ałch'į'Sila may have been used to

govern is provided in Figure 5.12. (The main reason to explore the relationship is to

better understand how it is applicable to Diné governance.)

That the set theory configuration represented in Figure 5.12 is absent cultural

norms is okay for the moment. The Tables only represent a blank template with which we

can fill with various aspects of traditional Diné prescriptions for leadership, namely

Ałch'į'Sila. Two configurations offered in the Table allow for us to consider how identity

of the contemporary Diné is not static. The idea of Ałch'į'Sila, in theory, may be a pre-

contact philosophy free of European influence but such an assumption seems unlikely.

Those wishing to assume the "contact free" approach may do so and rely on Figure 5.12

as their configuration of choice. This is because the assumption here is that identity itself

is a pure Diné identity free of European influence. Hence, if the identity is pure Diné,

then you can also assume that the impact of a pure identity will be directed upon the

interests, choices, and behaviors of the Diné government. There are many legitimate

reasons to come at this research from such an approach. Yet, for the purposes of this

research, recalling traditional Diné governance for contemporary benefit, it is safer to

assume that Diné identity itself has been impacted by European contact

Figure 5.12 – Set Theory Approach to Social Constructivism as adapted from Hopf 1998. Depicts a NORMATIVE balance among all three factors that make up state behavior.

Interests

Identity

State Behavior

Choices
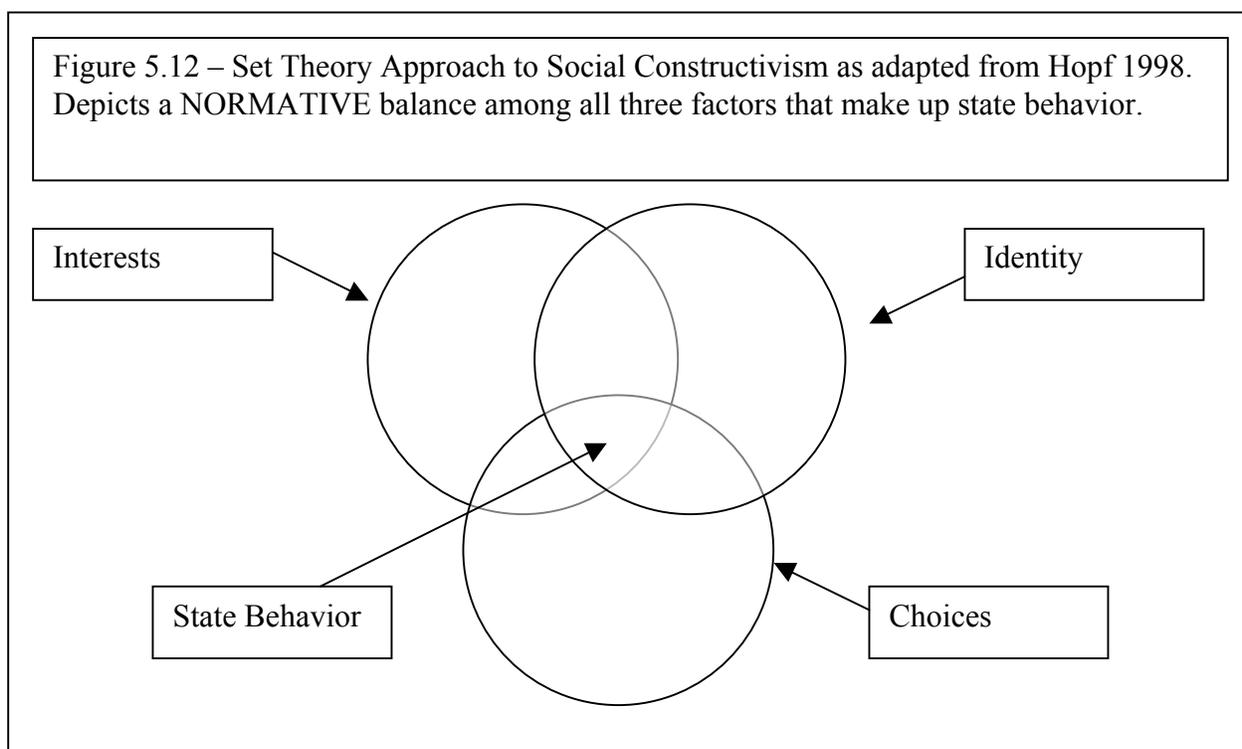
Figure 5.13 is more appropriate for planning future policy with a mind toward

locking in certain options for future leaders to decide among. Note that in Figure 5.13, the

configurations allow for the assumption that identity alone should not impact interests,

choices, and nation behavior. The reason for this assumption is because identities have

shifted in Diné Country. Various philosophies have impact on governance decision

making today. Evidence of this can be vast and widespread. For example, there are, at

least, three faiths in Diné Country with the overlap notwithstanding: Native American

Church, Christianity, and traditional Diné religion. Politically, the diversity of beliefs

regarding Diné governance are wide spread and can be researched independent of these

writings (Wilkins 2002b; Wilkins 2003). Thus, the evidence for identity (political,

cultural, and economic) cannot be the only source for crafting interests, choices, and

nation behavior. At the same time, Ałch'į'Sila cannot realistically be considered a

thought process free of European or otherwise non-Diné thought. Using Figure 5.13

allows us to take all of the above qualifications into account. In the end and regardless of

their political, cultural or economic orientation, the Diné will be the final arbiters

regarding implementation of their own governance.

With the above in mind, we can move on to the actual notion of Ałch'į'Sila. What

follows is only my interpretation on how the idea works. It will need fine tuning to its

environment in the same way that a musical instrument is tuned to its accompanying

environment of sound. It might be wise to consider Ałch'į'Sila, along with its component

parts, collectively in relation to their independent level of generality. Level of generality

issues, in terms of research methods, can be explored in depth elsewhere (Sartori 1970).

Figure 5.14 is a collection of the various components that are relevant to contemporary

Diné governance. Within Sa'ah Naagháí Bik'eh Hózhóón is the process of Diné thinking

articulated in Chapter Two. The components within Sa'ah Naagháí Bik'eh Hózhóón are

as follows:

Figure 5.13: Alternative configuration of subset relationship between identity, interests, and choices shaping nation behavior. The key difference here is that identity has complete impact over all the other factors in governance direction.
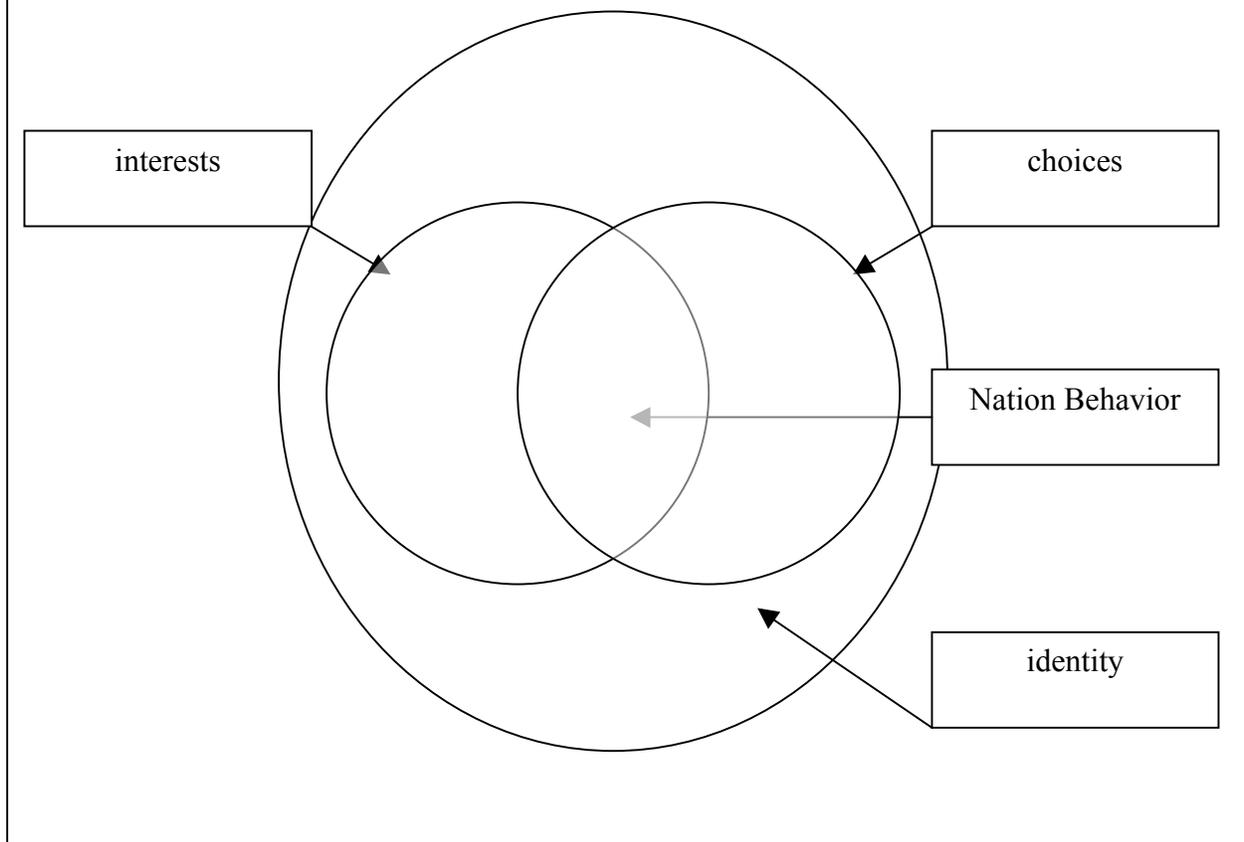
These components of Ałch'į'Sila must be understood in relation to one another in terms of their level of generality. Figure 5.14 indicates that the higher up on the ladder of generality, the more abstract the ideas is and the more ideas are potentially nested within it. These ideas will be rearticulated in set theory form in Figure 5.15 with some accompanying cautionary qualifications. It is enough to understand the relationship, in terms of level of generality, these ideas have with one another.

Figure 5.14 – Components of Traditional Diné Governance relevant to Contemporary Diné Issues	
Within Ałch'į'Sila	Within Sa'ah Naagháí Bik'eh Hózhóón
K'é	Nitsáhákees
Sa'ah Naagháí Bik'eh Hózhóón	Nahat'á
Hózhǫ́ǫ́jí	'Iiná
Hashkéjí	Sih Hasin

Figure 5.15 – Components of Ałch'į'Sila w/ Relative levels of Generality (Sartori 1970) – 1 equals most general and 0 equals most specific

```
1  ↑                    Ałch'į'Sila
   |
   |                       K'é
   |
   |              Hózhǫ́ǫ́jí dóó Hashkéjí
   |
.5 |
   |                Sa'ah Naagháí Bik'eh
   |                      Hózhóón
   |
   |       Nitsáhákees dóó Nahat'á dóó 'Iiná dóó Sih Hasin
   |
0  |
```

Figure 5.16 – Set Theory Approach to Ałch'į' Sila

Hashkéjí

Ałch'į' Sila

Sa'ah Naagháí
Bik'eh Hózhóón

Hózhǫ́ǫ́jí

K'é – (shaded)
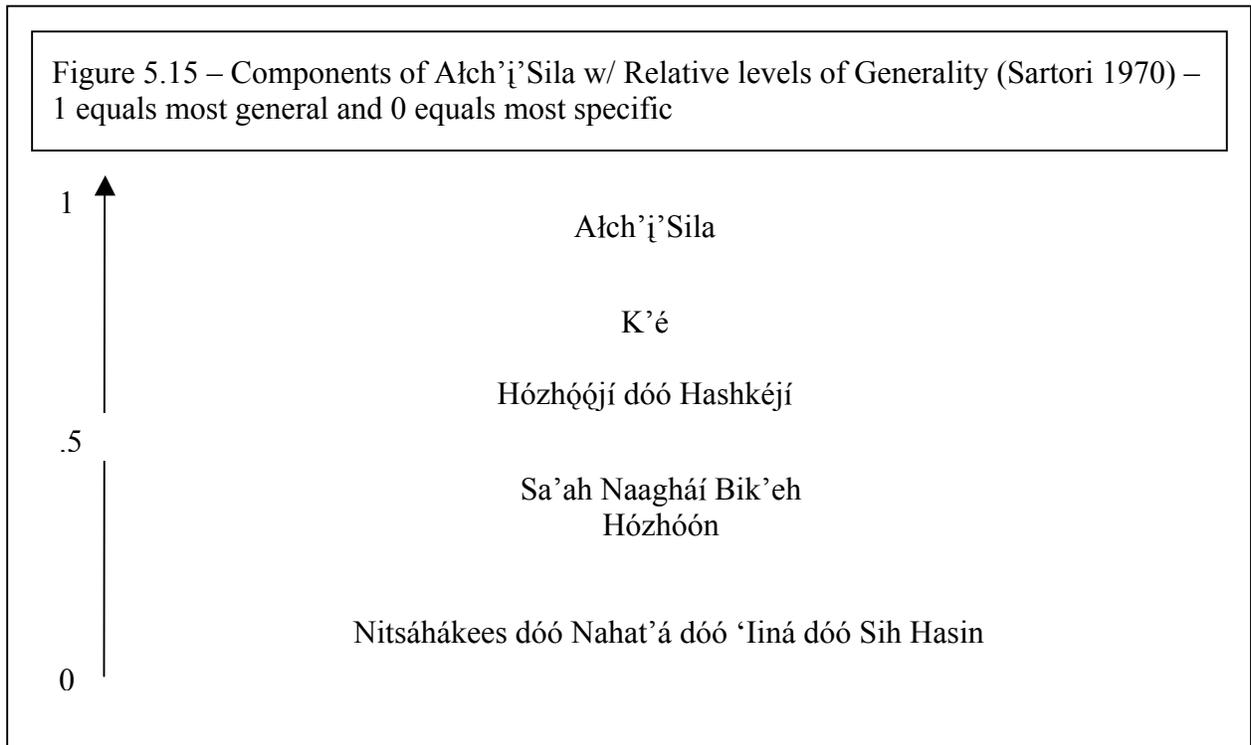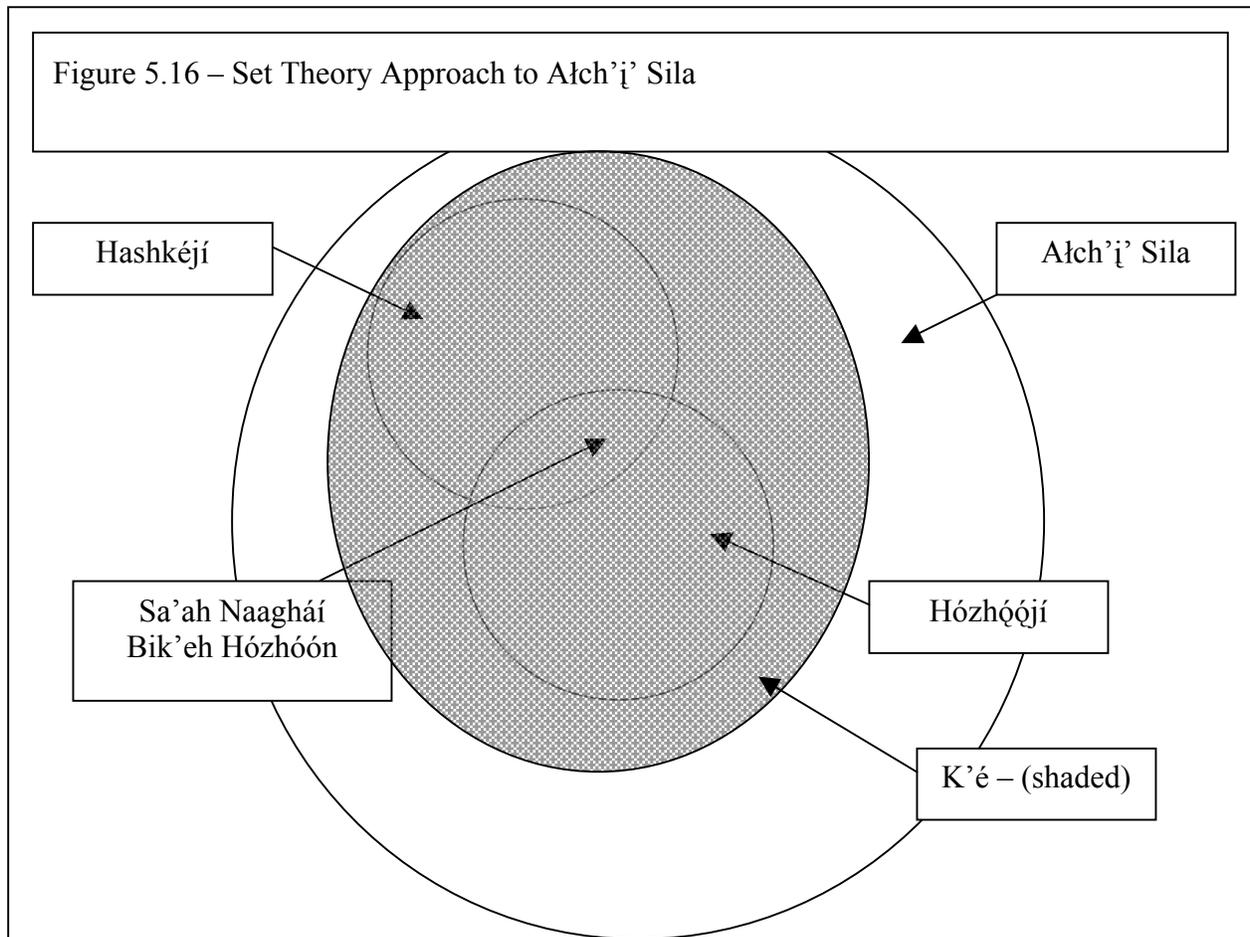
Note how Ałch'į'Sila and K'é are the most general. K'é may be more general

than Ałch'į'Sila because it is within the foundations of K'é that one will find some of the

aspects of Ałch'į'Sila. This might seem counterintuitive. Remember that we are trying to

determine not only a relative idea of generality but, specifically, we need to focus on the

relationships between various Diné protocols. K'é, in general, is a governing body that

impacts many beings including bilá ashdla, or five fingered people. Since we are only

concerned with the aspect of K'é related to the responsibilities of the five fingered

people, we can understand K'é as only slightly broader than Ałch'į'Sila. In other words,

Ałch'į'Sila does not encompass all that has been or ever will be in relation to K'é. The

other factors are less complicated, relatively speaking. Once the above assumptions are

made, the other components seem to arrange themselves. Hózhǫǫjí dóó Hashkéjí, or

moving toward harmony and moving away from harmony respectively, are one example

of Ałch'į'Sila. Thus, Hózhǫǫjí dóó Hashkéjí are less abstract than Ałch'į'Sila. As for

Sa'ah Naagh'áí Bik'eh Hózhóón, it may simultaneously be both more abstract and less

abstract. For our purposes, we will use Sa'ah Naagh'áí Bik'eh Hózhóón as less abstract

than Hózhǫǫjí dóó Hashkéjí. The reason for this assumption is that, as will be detailed in

the next Table, it will be within the grey area between Hózhǫǫjí dóó Hashkéjí that we

will discover the best use for the principles contained within Sa'ah Naagh'áí Bik'eh

Hózhóón.

It is important to ensure that ideas are properly oriented relative to their connected

level of generality. It is easy to verbally express the ideas without much guidance

regarding the true relationship these ideas have with one another. Going further, the

lessons from set theory highlight the manner in which implicitly nested ideas seldom

have their true relationships fully explored and articulated. Figuring out the relative

generalities within Ałch'į'Sila also serves to avoid confusion by providing a level of

transparency not available in English descriptions of the relationships. This effort is in

line with keeping the process "tunable" to its environment and, thus, invites community

feedback on these iterations of the ideas. Figure 5.16, a set theory representation of

Ałch'į'Sila, keeps in mind the relational generalities first expressed in Figure 5.15.

In Figure 5.15, we begin to understand the level of generality among the various

ideas discussed. In Figure 5.16, we discover that a subset relationship is at work. Figure

5.16 might be more confusing if it were not for the work first deduced and laid out in

Figure 5.15. K'é is a superset of Ałch'į'Sila. This means we are assuming that all of the

five finger peoples' instructions regarding Ałch'į'Sila are articulated within K'é.

Ałch'į'Sila, then, is a superset of Hózhǫ́ǫ́jí dóó Hashkéjí. This means the teachings

regarding the proper handling of Hózhǫ́ǫ́jí dóó Hashkéjí issues can be found within

notions of Ałch'į'Sila. Be aware, however, that Ałch'į'Sila is not the only source for

instructions. We are merely noting the isolated relation of these aspects of Diné

philosophy to one another. The relationship expressed here are not exhaustive. Thus, we

find Sa'ah Naagh'áí Bik'eh Hózhóón as an aspect of Diné philosophy that will be used to

solve problems when the gray area between Hózhǫ́ǫ́jí dóó Hashkéjí are encountered.

Within Sa'ah Naagh'áí Bik'eh Hózhóón can be located the notion of Diné Bitsáhákees or

Diné thinking. With the issues of relative levels of abstraction given attention, not settled

forever more, we can start to look at these components of Diné thinking in a fashion that

allows them to have voice in a contemporary setting.

If the above assumptions hold, we can now begin to better understand the way in

which these aspects of Diné thinking could potentially play a role in contemporary

governance. Recall that we are attempting to utilize the notion of how identity, interests,

and choices can have a substantial impact on nation behavior. Exploring identity,

interests, and choices may uncover new ways to have traditional aspects of Diné thinking

do as much as possible to re-engage with the Navajo Nation's direction. Submitted for

your consideration is Figure 5.17, a potential cyclical approach to decision making. The

institutional structures are traditional aspects of Diné thinking. Since they already exist, it

makes sense to use them in a contemporaneous context. This approach may alleviate

problems of legitimacy. While it is difficult to have a starting place, since it is likely that

issues can arise in almost anyplace within the model, let us start at Sa'ah Naagh'áí Bik'eh

Hózhóón for no particular reason. Herein lies the decision making regarding policies. Notice that Sa'ah Naagh'áí Bik'eh Hózhóón lies within the gray area between Hózhǫ́ǫjí dóó Hashkéjí. We will return to this gray area after elaborating on Sa'ah Naagh'áí Bik'eh Hózhóón.

Figure 5.17 - Graph of Ałch'į' Sila

Balance Outcome

Sa'ah Naagháí Bik'eh Hózhóón

Hózhǫ́ǫ́jí

Hashkéjí

Ałch'į' Sila

K'é

Issues
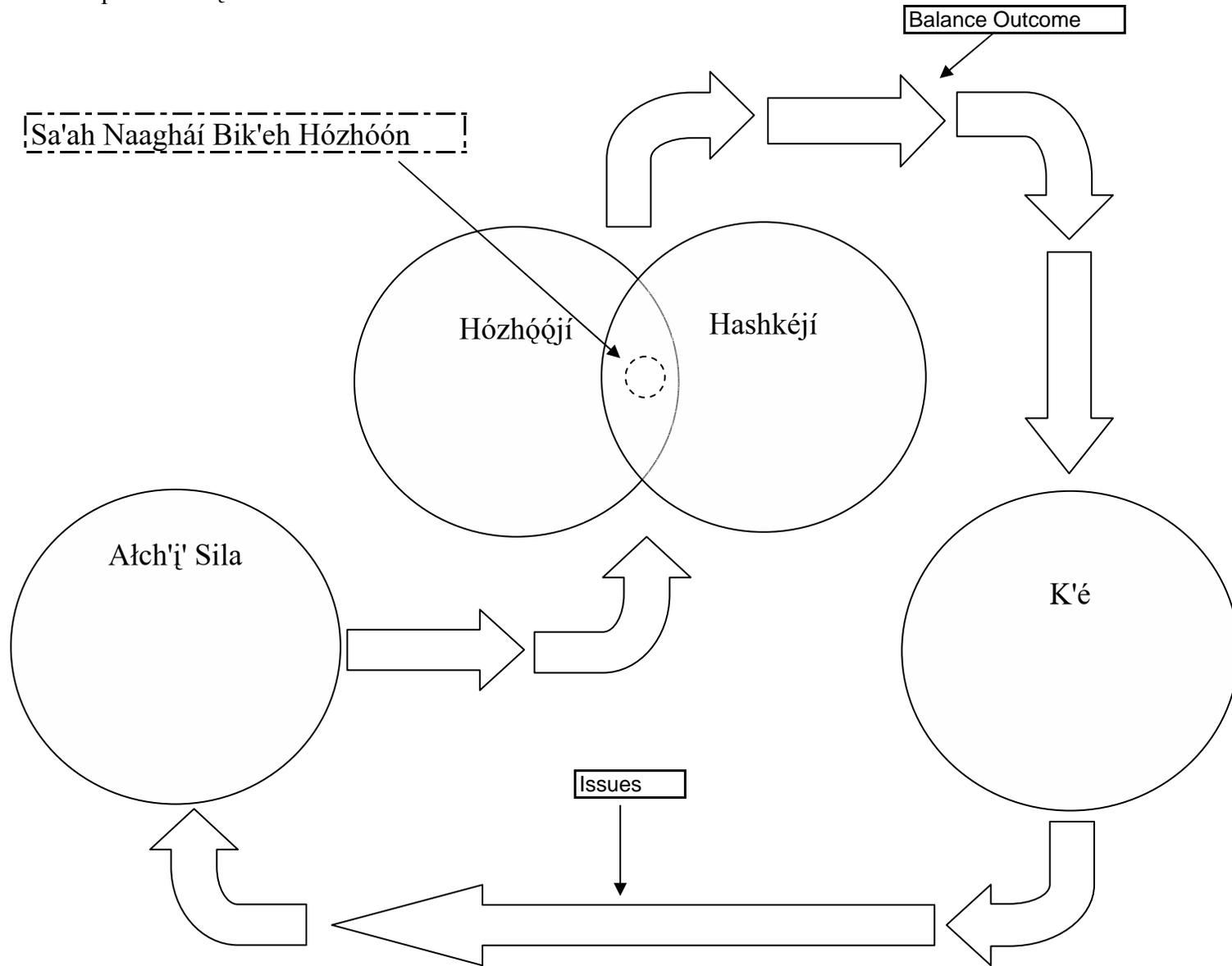
Take a look at the blow up of Sa'ah Naagh'áí Bik'eh Hózhóón in Figure 5.18. Here you will find Diné thinking or bitsáhákees. A detailed description of Diné thinking can be found in Chapter Two on Diné Philosophy. For our purposes it is only necessary to acknowledge the relationship between Sa'ah Naagh'áí Bik'eh Hózhóón and Diné thinking. This is really a cycle within a cycle. By thinking about a problem, one can begin to appreciate the situation. Then, you can plan your strategy to alleviate the problem. With the plan in mind, one will apply the proposed solution to the real world. You then observe the world and reflect on your solution. If the solution is successful, you can turn your attention to other issues. If the solution is less than satisfactory, modifications are necessary and the cycle begins again. Be aware how this is only one very narrow aspect contained within a very broad idea called Sa'ah Naagh'áí Bik'eh Hózhóón. Yet, for your purposes, we can call it a very narrow construing of Sa'ah Naagh'áí Bik'eh Hózhóón in terms of problem solving. Now we can change our perspective by backing away from the problem solving process in order to better understand why the problem solving process is necessary in the first place.

Figure 5.18 - Exploded view of Sa'ah Naagh'áí Bik'eh Hózhóón and Diné Thinking

As Depicted in Table 5.17

Bitsáhákees
Thinking

Sa'ąh Naagháí
Bik'eh Hózhóón

Sih Hasin
Reflection

Nahat'á   K'é
Planning

Doing
'Iiná   Ałch'į' Sila
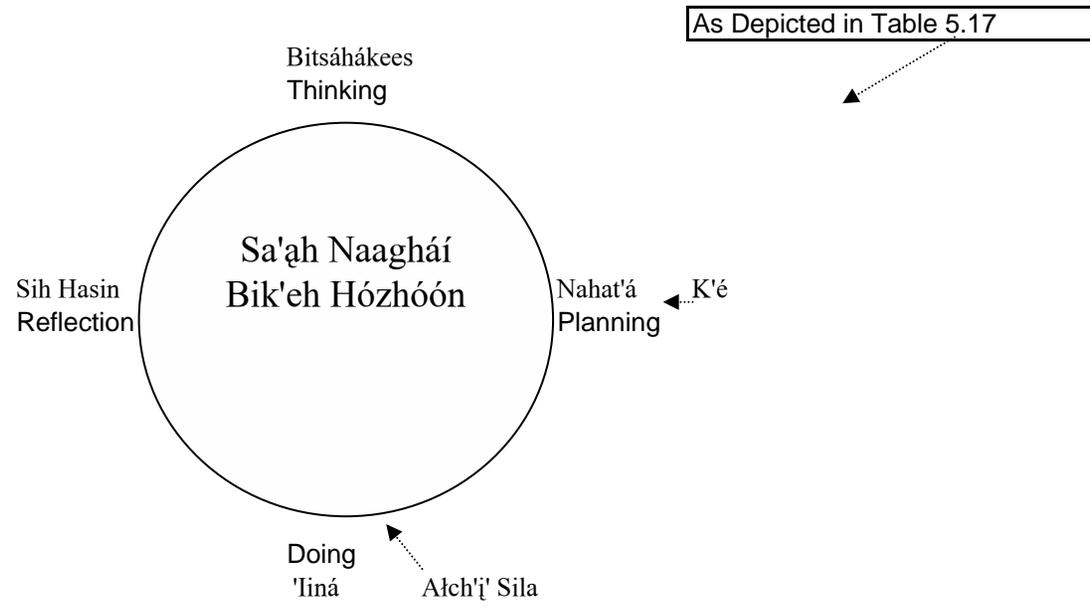
A readers point of view may pull away from the close up image. Now allow the idea of Hózhǫ́ǫ́jí dóó Hashkéjí, or moving toward harmony and away from disharmony, to come into focus. In western thinking, something positive is typically thought of as a polar opposite of something negative. Yet, there does exist within western thought the ability to negate that which is positive in order to transform it into a negative and vice versa. In other words, if we identify all of the attributes which make up positive ideas, we can theoretically negate all of those attributes to create the polar opposite of that positive idea. This is the process of converting a positive to a negative. The reverse of the process should change a negative into a positive. We can look at Hózhǫ́ǫ́jí dóó Hashkéjí. Thus, we allow context to frame our discussion of Hózhǫ́ǫ́jí dóó Hashkéjí. An extended account of Hózhǫ́ǫ́jí dóó Hashkéjí in relation to the Navajo Nation court system explains one application (Nielsen and Zion 2005).

In particular, Robert Yazzie discusses the way justices with the Navajo peacemaker court had the task of taking Fundamental Laws of the Diné and applying them to contemporary issues individuals faced. The idea was to move the individuals toward Hózhǫ́ǫ́jí or in the beauty way. As one moves toward Hózhǫ́ǫ́jí, they move away from Hashkéjí or negativity. Yazzie recognizes the condition of Hashkéjí as a consequence of the individual falling out of balance. It is the job of a justice of the peacemaker court to act as a guide for those that are out of balance (Nielsen and Zion 2005). These sentiments were echoed by former Navajo Supreme Court Justice Raymond Austin. He added the idea of Hóxzhó. Austin states that moving away from balance means that individuals will find themselves in a state of Hóxzhó (Austin 2009a). I interpret Austin's comments on Hóxzhó to represent a direction of travel for an

individual. Moving away from beauty may be a state of Hóxzhó. Still, it is too simplistic to state that one is "good" and one is "bad".

One of the interesting attributes of set theory is the way in which grey areas are made clear as is indicated it Figure 5.17. The logic behind the grey area is that we can be clear on the way things go well and the way things go badly. These are the extreme positions that exist in the world. There is not a lot of debate regarding some aspects of Hózhǫ́ǫ́jí dóó Hashkéjí. Some things are clearly Hózhǫ́ǫ́jí and some things are clearly Hashkéjí. I cannot include examples because they may not be appropriate for sharing. The areas with little debate, in theory, can be located in Figure 5.17. Note how some areas are clearly separate from its polar opposite. In other words, the entire set of plausible phenomena associated with Hózhǫ́ǫ́jí can be found within the circle labeled "Hózhǫ́ǫ́jí". Some of the aspects of Hózhǫ́ǫ́jí that do not go near Hashkéjí are the areas which are not debated. Most medicine people (Hataałi) agree on some portion of what is clearly Hózhǫ́ǫ́jí and other aspects which are clearly Hashkéjí. The more interesting events occur in the grey area between Hózhǫ́ǫ́jí dóó Hashkéjí. One might say that this is the place where real life occurs. As Robert Yazzie puts it, "People are supposed to strive for Hózhǫ́ but a human will never attain Hózhǫ́ in this lifetime," (Yazzie 2009). It is important here to revisit another aspect of Diné philosophy regarding the way in which the world should be encountered:

Hózhǫ́ sistsijį : in front of me

Hózhǫ́ shikéé déę́ : behind me

Hózhǫ́ shiyaagi : what I walk on

Hózhǫ́ shik' igi : from above

Hózhǫ shinaadę́ę́ : around me in a circle

Hózhǫ shich'į'go : towards me

Hózhǫ shizéé'dee : out of my mouth

Hahoozhǫǫd doo

(Cody 2009; Keith-Gorman 2004)

Above is the daily affirmation. Recall that the affirmation is asking that the Creator guide ones daily encounters. The assumption is that during a day a person will necessarily encounter aspects of life which are clearly Hózhǫ́ǫ́jí dóó Hashkéjí. The best way to encounter aspects of life which are Hashkéjí is to have enough Hózhǫ́ǫ́jí in you to balance out the Hashkéjí you encounter. The affirmation is asking for guidance involving encounters with what you find during your day. Although it may seem vague, the daily affirmation is based on the assumption that life is the grey area between Hózhǫ́ǫ́jí dóó Hashkéjí. It acknowledges how the way to deal with negativity is not to eliminate it but to balance it out with positivity. Life happens in the grey area and sometimes people will need guidance regarding the way to balance in the grey zone. And while this is true for individuals, it is also true for governance decision making that will effect communities and beyond.

Future approaches to Diné governance may wish to fall back on the philosophy of the Diné involving the grey area between Hózhǫ́ǫ́jí dóó Hashkéjí. It should be intuitive how political problems are all about the interaction between positive and negative events. Hence, the manner in which "issues" (events which need addressing for the sake of the community) are discussed and solutions offered may be served well by notions within Ałch'į' Sila. As such, one can place within the grey area of Hózhǫ́ǫ́jí dóó Hashkéjí the

notion of Diné thinking. This is within the grey area of Sa'ah Naagh'áí Bik'eh Hózhóón.

We can look to Naat'áanii as individuals that are best able to handle community wide

decisions taking into account Hózhóójí dóó Hashkéjí. Recall the way a Naat'áanii was

selected and acknowledged as a legitimate leader. Figure 5.17 is one way of organizing

how every day problems, the notion of life in the grey area of Hózhóójí dóó Hashkéjí,

puts a challenge in the hands of a Naat'áanii. With a decision made, the solution is

implemented. The community is closely watching the result of the decision for negative

and positive consequence. In other words, the decision regarding issues requires

balancing within the grey area of Hózhóójí dóó Hashkéjí. This oversight is depicted by

the presence of K'é or the set of connections that individuals and families have to one

another. Assuming the issue is resolved, K'é may then focus on other aspects of their

institutions which may include other issues. In political terms, this is akin to community

feedback to elected officials. In Diné philosophy, it is the traditional way in which

problems were brought to the Naat'áanii. But balance between Hózhóójí dóó Hashkéjí is

a delicate process requiring constant maintenance. Thus, it is more likely that the issue

will be reintroduced to the Naat'áanii. Do not confuse the issue being readdressed as a

failure necessarily but merely a continued maintenance of the balance between Hózhóójí

dóó Hashkéjí. The issues may change but the institutions of Ałch'į'Sila remain difficult

to remove. Today's contemporary issues, however, may seem daunting but there should

be confidence in the fact that Ałch'į'Sila can even be discussed at all.

2. Incorporating Chapter House Governance

Future governance modifications must work to close the gap that has emerged between local governance and national governance. The details of how the gap emerged are contained in Chapter Three. Briefly, it was the corporations that discovered natural resources on Navajo Nation. In an effort to have a rubber stamp committee sign off on land leases, the early versions of what is today the Diné national government was formed in hierarchic form. At least two aspects of the early government are key to understanding the gap today. First, the "rubberstamp" committee was hand picked by U.S. corporate interests in order to have them serve the interests of the resource corporations. Second, the idea of consolidated, national governance is not consistent with Diné norms prior to the 1920's. The details of these events can be located in many works but specifically in Wilkins (1987; 2002a; 2003). This notion of closing the gap between local and national governance implies an assumption: governance should be bottom up and all inclusive while guided by Diné cultural norms. This might mean that only certain learned people are capable of leading in the same way that Naat'áanii might be selected and recognized. So what institutional guides might lead to more integration of local governance (chapter houses) into national governance institutions?

While it is beyond the scope of this research to outline every way in which the gap between local and national governance can be closed, we can begin to look at the reasons for European institutions surviving in much the same way that Diné institutions still survive. Refer back to Figure 5.12 in order to see the dynamic picture of contemporary Diné governance. Diné identity, in general and in terms of governance, has been impacted by interaction with colonial actors. The details of the identity impact can

be found in Chapter Three and Chapter Four on realist and liberal norms. As is shown in

Figure 5.12, this adoption should have impacted identity which in turn impacted choices

the various Naat'áanii made. Simultaneously, interests were shaped because new issues

needed attention especially in terms of trade and warfare. These factors all led to changes

in behavior as a national unit, or lack thereof, as is detailed in treaty making in Chapter

Three section B. After Hwéeldi or The Long Walk, the same can be said of the agency

formation, which (again), is detailed in Chapter Three. A trend toward national hierarchic

consolidation for all Indigenous tribes via federal policies of reorganization, termination,

and relocation also contributed to a national local divide (Getches, Wilkinson, and

Williams 2005). Yet, the survival of Diné thinking is explained as a condition expressed

in Peoplehood (Holm, Pearson, and Chavis 2003). Briefly, only those aspects of

Peoplehood visible to federal policies were most impacted. This explains why these

aspects of Diné philosophy survive. The discussion of institutions earlier explains how

such aspects of Diné philosophy survive today. And while all of the factors above have

also impacted local Diné governance, the level of impact appears more severe at the

national level.

The resultant situation is not necessarily good or bad. In fact, one might consider

these converging interests (European and Diné) best handled using Ałch'į'Sila. Recall,

however, how institutions are difficult to erase be they European or Diné. Thus,

incorporating chapter houses into national governance is an exercise that lends itself to

Figure 5.17 on Ałch'į'Sila. The process will necessarily require 110 separate attempts to

reconcile the disconnect between local and national governance based on the number

chapter houses in existence today. Some of the main issues involved include creating

greater efficacy at the local level with what goes on at the national level. Still, the

opposition at the national level to incorporating more of the local governance will be an

institutional opposition. The key to gaining more integration and eliminating hierarchy

could work in at least two ways: First, there is a legitimacy issue that Ałch'į̇'Sila need not

demonstrate. It has always worked out well and has stood the test of time. European style

governance in Diné Country lacks this legitimacy nationally. Secondly, understanding the

actual root of opposition may give those with an interest in integrating local and national

governance an advantage when it comes to achieving their goals. Attacking the

legitimacy of European institutions in Diné national governance is the second key to

integrating local and national governance. Using the process of Ałch'į̇'Sila as a

mechanism for determining specific actions to undermine specific European institutions

of governance may work very well. Thus, we search for our aspirations in the form of

local leaders based on concepts of traditional Diné leadership: the Naat'áanii.

3. Concept of Domestic Naat'áanii

For this section is will be necessary to return to the original research design first

articulated at length in Chapter Three Section A. This portion of the research is partially

experimental. A typical, and well-reasoned, response to research dealing with Indigenous

peoples involves its relevancy to those it focuses upon. In other words, how does the

research have any benefit for the Indigenous peoples it has focused on? The criticism for

academic research not serving the Indigenous communities they focus on was famously

articulated by Vine Deloria (1969). Thirty years have passed and the academic record still

remains unclear regarding the reaction to Deloria's call for academic responsibility. And

while institutional review boards have certainly made an impact, it is up to the researcher

to ultimately make the effort to have their research serve the people they focus on. Hence, this section is offered as an attempt to move away from pure theory and into the realm of policy application. What impact can traditional Diné governance have on contemporary Diné issues?

There are many ways to provide evidence of legitimacy in governance institutions. Here I wish to directly point to the wants of the elders within Diné Bikéyah. For example, many Diné are fearful of the drift away from traditional Diné governance in contemporary times. Some elders blame the shift away from traditional teachings for the emergence of the hanta virus in the early 1990's (Wilkins 2002a). In western terms, returning to traditional Diné values is tantamount to ensuring governmental legitimacy via making contemporary Diné governance culturally relevant. Bringing the contemporary in line with traditional teachings can be accomplished using concept building. Recall the music analogy offered before: concepts here are offered as tunable instruments that will require fine tuning to obtain and maintain harmony with their respective environment. Hence, the concept will need modification for it to fit differing applications or the results will be less than satisfactory.

Consider a three-level-view of a domestic Naat'áanii (see Figure 5.19) Based on the traditional concept of Hózhǫ́ǫ́jí Naat'áanii, a domestic Naat'áanii is a replication of the traditional Naat'áanii. All of the secondary-level conditions which make up a traditional Naat'áanii are present in the contemporary domestic Naat'áanii. The only difference between a traditional Naat'áanii and a domestic Naat'áanii is the list of responsibilities which go along with a domestic Naat'áanii. A list of responsibilities must first be articulated and added to the concept of domestic Naat'áanii as an additional

necessary condition. Alternatively, the list of responsibilities may be expressed under the

stand alone necessary condition entitled, "Contribute to the day to day needs of Diné Life

and Culture." The main idea here is to revive the specialization quality of traditional Diné

governance by respecting the experience and knowledge of a Naat'áanii (Figure 5.1) or

peace Naat'áanii (Figure 5.3). Specialists involved with the upkeep of contemporary Diné

governance must be identified and placed into the position of a domestic Naat'áanii.

Their main goal will be to ensure that the internal matters of the Diné are handled

appropriately and absent special interest. Here is a potential list of responsibilities of

responsibilities:

- Education
- Health care
- Law Enforcement
- Housing
- Roadways
- Environmental Preservation and Maintenance
- Energy
- Fiscal Budget

It is important to note that the above will have direct ties to the community. Each of the

above categories of responsibilities will have direct impact on local populations.

Populations will have a direct link to their domestic Naat'áanii. Simultaneously, the

domestic Naat'áanii will have a direct link to the national branches of Diné governance.

Ideally, the issues will be brought to the domestic Naat'áanii via the pattern articulated in

Figure 5.17 concerning Ałch'į' Sila. The twist is that the issues themselves will be

contemporary issues.

Figure 5.19: Three-level View / Concept of Proposed Domestic Naat'áanii

Domestic Naat'áanii

Contribute to the sacred needs of Dine Life and Culture

+

Exhibit Character

+

Be a good speaker

+

Exbhibit Charisma

+

Contribute to the day to day needs of Dine Life and Culture

1? 2? 3   1? 2? 3   1? 2? 3   1? 2? 3   1? 2? 3

Data/Observation Level
    1. Recognition by Hastóí
    2. Recognition by Hataałi
    3. Recognition by Diné People of a given region

+ = and
- = or
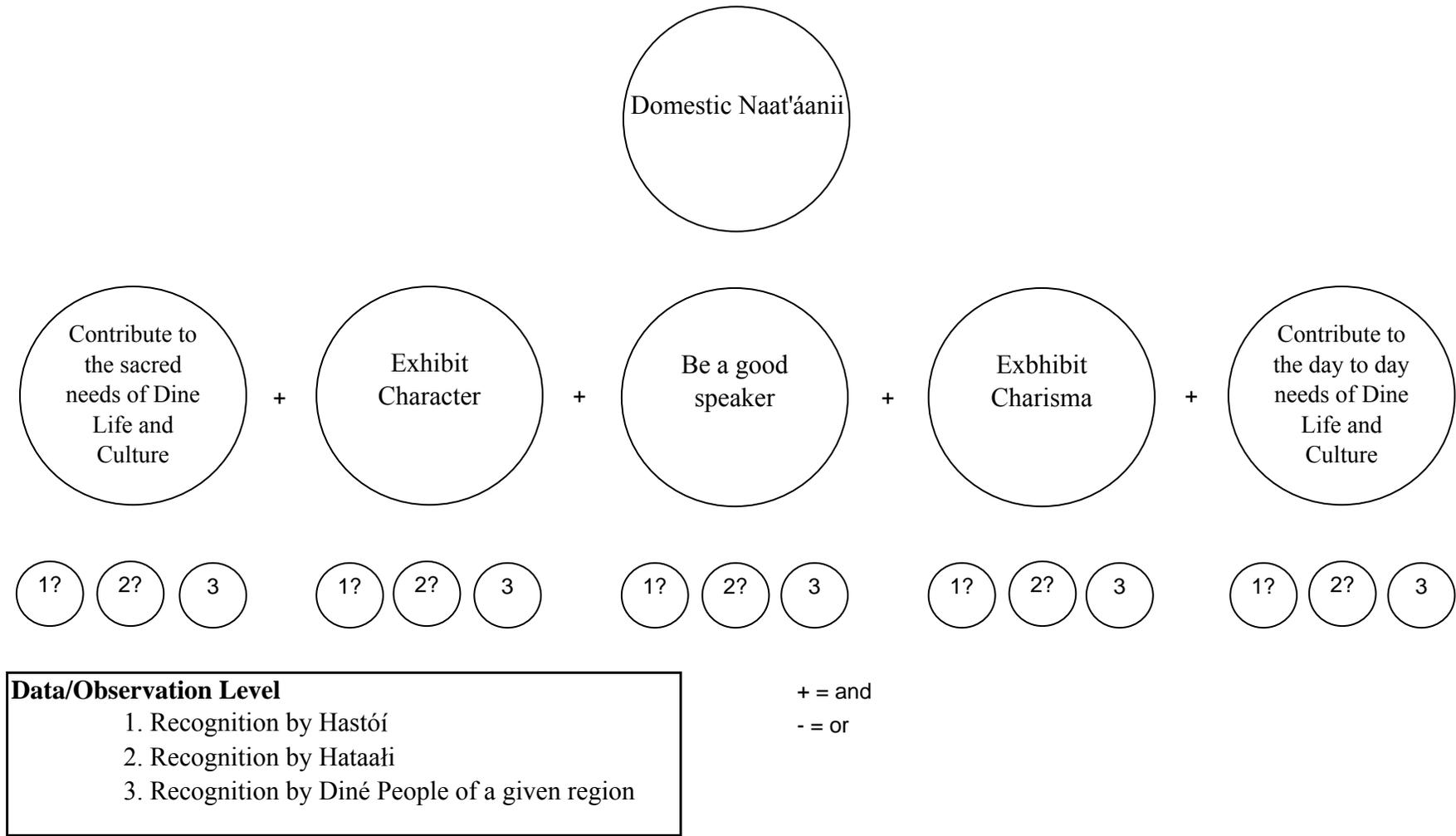
4. Concept of International Naat'áanii

Focusing only on domestic issues within Diné Bikéyah would replicate mistakes that past colonial style governments have made. The international Naat'áanii is an entirely new concept which will need serious revision in order to have any impact on improving contemporary Diné governance. As such, the international Naat'áanii does not come with a three-level-view at this time. Further discussion is needed between the current author, researchers with Diné Policy Institute, and members of the Diné Policy Institute Advisory Circle. It might be prudent to equate the same traits found in a domestic Naat'áanii with traits needed to create an international Naat'áanii. Future research can include developing the responsibilities needed to carry out the function of an international Naat'áanii. These responsibilities must be clearly articulated, with levels of generality consistent across responsibilities, and be clearly distinguished from the responsibilities of the domestic Naat'áanii.

The main objective is to retain the tradition of distinguishing between specialists in time of war and in time of peace. An international Naat'áanii concept could promote the use of specialists with a vested interest in promoting the needs of Diné citizens at an international level. Specifically, international Naat'áanii could be in the best position to maintain and expand Diné sovereignty. A brief, non-comprehensive, list of possible responsibilities might include interacting with foreign countries such as the state of New Mexico, the state of Arizona, and the U.S. government. Free trade agreements may be advisable with other countries in the Americas run with the ideals of Indigenous values. Nation states such as Nunavut and Bolivia are potential trade partners. Leadership currently runs these states beholden to their Indigenous populations. Further research is

necessary to discover what can be traded and how loyal leadership really is to their respective Indigenous citizens. However domestic and international Naat'áanii are ultimately conceptualized, there must be a clear maneuver to incorporate the current Dine governance structure with the structures proposed here.

In pre-contact times, the Naachid was used to deal with issues that affected a larger regional setting than an individual Naat'áanii could be expected to grapple with alone. As such, the mechanism for dealing with regional issues in the pre-contact times can be revisited to deal with global issues today. The topic of assembling several regional Naat'áanii together to discuss issues of an international nature must be addressed carefully. Still, a contemporary legislature currently exists and functions at the behest of what some might call the elite of Navajo Nation. With these caveats in mind, let's explore the interesting characteristics of chapter house organization as it exists today.

The usurpation of local governing structures to a national Diné level did more to represent the interest of the U.S. than it did to see that Diné citizens had their own interests met. The trend toward national consolidation was abruptly forced onto the Diné around the time that natural resources were recognized as profitably extractable by corporate interests. Only recently has the trend slightly reversed (Begay 2008a). Consider how 11 international Naat'áanii from various regions and 11 domestic Naat'áanii from various regions could come together. The regions can be the five agencies in Diné Country. The five agencies could represent regions and those regions could be further broken into local chapters. In the absence of in depth site/location research, consider the following breakdown as a preliminary vertical integration strategy. The five agencies could serve as the medium between local and national governance. If all five agencies

split up the local chapters equally, than each agency region could have 22 local chapters representing various regions within the geographic area represented by the agency. Perhaps 11 local chapters could be domestic Naat'áanii and 11 chapters could be international Naat'áanii. Collections of regional Naat'áanii could meet bi-annually bringing local and regional concerns into a national meeting. One note of optimism is the way in which the chapters seem to have nicely fit into a scheme of domestic and international Naat'áanii. I'd like to believe that this breakdown is more than a mere mathematical coincidence. In the end, some may remain skeptical about the relevancy of Diné philosophy to contemporary issues.

There will be some readers that intuitively favor a Diné philosophical approach to governance reform. On the other hand, some remain aligned with empiricism and will not be convinced until observable evidence can contribute some direction to the conversation. Those unwilling to consider rational explanations will remain unsatisfied after reading what I have put together here. Many have debated if Indigenous culture can survive in a contemporary world. Others have debated the relevance of Indigenous philosophy to contemporary times. There has been little empirical evidence that links cultural mechanisms for survival with contemporary life in the after math of colonial activity. I believe I can prove incontrovertibly that not only is Diné philosophy relevant today, but I believe I have uncovered the mechanism by which the philosophy survived open warfare, destruction of political economy, removal, and otherwise overt acts of genocide.

CHAPTER VI. DZIŁNÁ'OODIŁII DÓÓ CH'ÓOL'Í'Í: RESILIENCY OF

TRADITIONAL DINÉ INSTITUTIONS IN THE FACE OF COLONIAL

INTERACTION

The literature, for better or worse, on Indigenous cultures always seems to fall

back on notions of cultural resiliency. Historical treatments of Indigenous cultural

survival serve their purpose but it is beyond the scope of historical accounts to explain

the essence of Indigenous resiliency. Rather, historical work is better suited to describe

events that have impacted Indigenous cultures through time. Descriptive research gives

us a good understanding of how we find the cultures today. A descriptive history of Diné

governance can be located here in Chapter Three. Yet, descriptive histories of Indigenous

cultures raise many concerns. For example, cross cultural issues will emerge when time

does not lend itself to an organization of a specific culture. The "unique" organization of

a culture, while assumed as linear by many scholars, has been taken to task by those

intimately familiar with cultures more akin to organizing themselves not only within time

(linear continuums) but also within their space (multi-dimensional continuums) as is

evidenced by contrasting Chapter Two with Chapter Three here (Deloria 1995; Deloria

2003). Previous research on Indigenous cultures has managed to treat time and space

appropriately. However, I remain convinced that the magnitude of impact that time and

space concerns have had on Indigenous cultures remains unaddressed.

Time alone and space alone inform us that Navajo Nation and its governance are

here today. Describing that fact does little to advance the notion of building and

rebuilding Navajo Nation. Explaining the relationship between governance institutions

and resiliency, however, brings us full circle. This process has been detailed in Chapter

Two in which we reflect on today's issues based on planning of the past with a mind

toward what may unfold tomorrow. Diné institutions are embedded in Diné space today.

The events of history or time have done little to eliminate many Diné institutions today.

Offered below is an empirical test highlighting a causal relationship between institutions

in space and events in time. Even when events seem catastrophically geared toward

erasing an institution of governance, the result is usually a state of dormancy for the

institution under attack. Evidence will be offered that, in many cases, the group must put

the institution to rest internally. An outside group, independent of exterminating the

group itself, cannot typically exterminate institutions. Exploring the causal relationship

between institutions and events should highlight two aspects of contemporary Indigenous

governance: First, Indigenous institutions of governance are resilient for reasons

independent of anthropological and historical description. Second, European institutions

of governance are equally resilient today for much the same reasons offered to explain

Indigenous institutional resiliency here.

A. Diné Institutions of Governance

What is a Diné institution of governance? The very question lends itself nicely to

concept building but, such an endeavor may distract from the main goal here of

articulating a causal relationship between institutions and events. Examples of Diné

institutions may do a better job of defining institutions since a definition will require a

higher level of generality and, therefore, become more abstract. What can be offered,

then, are the various conceptual depictions throughout the present research such as all of

the concepts depicted in Chapter Five. In addition to Chapter Five concepts, we may

supplement our definition of institutions by utilizing the institutional perspective as a guide:

> A perspective that sees political interaction as depending on actors pursuing actions that are compatible with their interests and that are constrained by the structure of the situation in which they find themselves, especially the structure of political institutions. (Bueno De Mesquita 2009 434).

Within the institutional perspective are the characteristics of Diné governance institutions. Diné institutions are guiding contemporary domestic and international interaction among Diné and non-Diné political actors. The evidence of guidance comes from many places including corporate interests, local, county, and state interaction, federal interaction, and international interaction on Navajo Land. Thus, Diné institutions not only offer guidance but also prevent self and special interest from dominating the interaction process to varying degrees. Such is not to say that self interest is non-existent. Rather, institutions force actors to covertly cater to their self interest at worst and overtly pursue the interests of Navajo Nation at best. Hence, we may define Diné institutions as any aspect of contemporary Diné governance that guides and constrains interaction between Diné actors and other Diné and non-Diné actors. Given this definition, our attention should focus on the guidance/constraint mechanism (institutions) and events (as characterized by the culmination of interaction).

B. An International Frame for Institutions and Interaction

Part of the confusion in Indigenous governance must be attributed to what is a mix of facts (historical events) mixed with various conditions (present conditions of Native Nations). The linear (although at times haphazard) links between events and

outcomes is not satisfying. For example, the history of federal Indian policy links facts (events) with outcomes (positive and negative situations) currently found in Indian Country. There is nothing inherently incorrect about such an approach. Expanding beyond the scope of connecting facts with outcomes, however, requires a more sophisticated approach. Specifically, "Cases and Materials on Federal Indian Law" is a wonderful reference for events and outcomes (2005). Some will be satisfied with an understanding of American domestic legal and public policy systems and their overt and covert attempts to subjugate Native Nations. The Getches text is the place to go for this story (2005). Alternatively, (normatively), the tools necessary for understanding and improving Indigenous governance must step away from the "official" policy of the colonizer. This is not to say the Getches text is the official story of the interaction between Indigenous and colonial actors but it is the policy. In short, the "history" of Indian law and policy is not only a history: it is a story of a self interested polities interacting with other actors and shaping its institutions to maximize the level of extraction, via exploitation, possible based on the interaction and in service of said self interest. Native nation rebuilding requires a different approach to interaction.

In misleadingly simplistic terms, the policies and laws of the United States are meant to foster the self-interest of the United States only. The approach of contextualizing the Native American interest within the spectrum of other U.S. domestic interests has not yielded a satisfactory outcome for most, if not all Indigenous communities within the U.S. Such is not to say we abandon all domestic efforts to realize parity for Native Nations. What is offered here is not competitive to domestic pursuits but is complimentary. Reframing the pursuit of rebuilding Native Nations requires not only a

domestic approach but also an international approach. Previous attempts to rebuild Native

nations have been tied to international interactions (Deloria 1974). The results have been

mixed but, in the end, the conservative domestic interests of the U.S. have been able to

reframe efforts to internationalize (re-internationalize) the sovereign interests of Native

Nations as an attack on America itself. But, once again, all of these events are merely

descriptions of interactions between various actors constrained by their respective

institutions. Since the days of early colonial Indigenous interaction, the institutions for

interaction have been the colonizers as is evidenced by the nature of the interaction (war,

treaties, reservations) and the language of the interaction (Spanish, English, French,

Russian) (Deloria and DeMallie 1999; Getches, Wilkinson, and Williams 2005). The fact

that certain interactions have been reacted to by non-Indigenous actors with hostility

should give us encouragement that we are on a good path for rebuilding Native nations.

Let's explain why the clue of hostility is not merely fodder for t-shirt and bumper sticker

printing.

The unfortunate scenario for internationalizing Indigenous issues is that people

think back to bad memories of Wounded Knee in 1973. During the Wounded Knee

events, militant elements chose to militarize the struggle for maintaining and expanding

Indigenous sovereignty (Deloria 1974). Once again, there is room for such approaches

but the current research is concerned with other complimentary strategies. Events and

interactions can, at minimum, be framed militarily, domestically, or internationally. For

many U.S. interested entities (political parties, individuals, pundits) the default theoretical

frame is realism and neorealism (Morgenthau 1948; Waltz 1979). In short, any attack on

the U.S. interest in security, power, and its dominant place as the single actor of a given

land based domain is an attack on the U.S. itself. Part of the strategy to maintain a neorealist hold on the U.S. land base is to reframe Indigenous actors as domestic issues within the U.S. sphere of public policy. This is why facts regarding the international nature of Indigenous/colonial interaction are buried by myths of manifest destiny and conquest (Deloria 1974; Deloria 1995; Deloria and DeMallie 1999). But the world of international relations need not be solely characterized by a set of false dichotomies: cowboys and Indians did not always go to war and trade alone. We as scholars of governance need to make this false dichotomous assumption clear and then approach future interactions with more nuances.

The institutional perspective on international relations is a strategic approach based on the premise that institutions matter in an international setting (Bueno De Mesquita 2009). Institutions guide interaction between actors by guiding and constraining actor behavior. If we can understand institutions, we can strategically maneuver within such institutions with our (Indigenous) self interests in mind. Defining our interests is not merely making a laundry list of our demands. We must better understand the origin of our interests and the interests of those we interact with. Hence, I revisit social constructivism most famously articulated by international relations theorists such as Hopf and Wendt (2002; 1999). Social constructivism suggests there are various overlapping interests impacting the way international actors interact with one another. The most relevant portions of social constructivism involves the relationship that exists within a single actor involving identity, interests, choices, and behavior (Hopf 1998). The relationship might be better-understood using set theory and is offered in two configurations first presented in Chapter Five, Figure 5.12 and Figure 5.13.

Examining the relationship between the three aspects of social constructivism produces a working priority list of Nation building interests. (Hopf's research uses the term "state" but we can apply his ideas to Nations). Interests of a Nation, or in this case a Native Nation, are impacted by the identity of the Nation's citizens. The identity notion is a deviation from the Hopf description (1998). Here I argue that identity is necessarily impacted by notions of Peoplehood generally and by Diné philosophy of governance specifically (Holm, Pearson, and Chavis 2003). The two spheres of influence can work alone to have a better focus on a people's interests based on their identity. Where the two spheres of influence overlap are the instances in which the priorities of governance become clear.

The knowledge of your own identity and your own interests are not enough to make quality policy based decisions. Colonial actors and Native Nations also need to decide how to proceed in addressing the various interests they possess. The interests are addressed in terms of time and in terms of resources with varying levels of priority based on their interests and based on their philosophy. Hence, we look to the overlap regarding the sphere of choices and how this influence interacts with interests and identity. The source of behavior for a Nation (Native Nation) will be within the overlapping spheres of influence of all three impacting populations. Perhaps a project for future research, the overall reason for discussing social constructivism here is that it makes clearer a baseline for Indigenous and Diné leadership. But, as we have seen in history, theory allows for outside influences to come into the population and possibly create dysfunction today. We can imagine how interests were skewed by corporate entities in the early 1920's for Navajo Nation. These influences may have dragged the choices outside of the grasp of

the identity sphere of influence. But here is only a depiction of one international actor. Since many actors must interact in terms of war, trade, cooperation, etc, we need to better understand how the end result, state (nation) behavior, is interacting and creating changes within individual state (Native Nation) choices, interests, and identity. The causal impact is likely two ways.

Taken collectively, various actors, colonial and Indigenous at least, will engage in various competing behaviors. These behaviors, according to social constructivism, are based on actor identity which shapes actor interests. Their independent interests, thus, impact the choices they make. If the theory of constructivism holds, then we can learn a few things about actor interaction. Some actors are going to strategically shape their behavior so as to realize a given identity. Other actors are going to rely on their identity to limit their behavior by limiting the spectrum of choices. In other words, some actors can and do limit their behavior by eliminating certain choices from their list of options simply because such choices would be inconsistent with their philosophy or worldview. The advantage, given the above approach, is based on gaining more information.

Actors can obtain as much knowledge as possible about the way others actors may wish to interact. Thus, the best strategy is to understand ones own identity, interests, choices, and behavior. This is something that all Native Nations can accomplish given their individual exhibition of the four aspects of Peoplehood even if many Native Nations may not call it "Peoplehood" (Holm, Pearson, and Chavis 2003). Secondly, the strategy for interaction also means we must understand the orientation that those we interact with assume. Sometimes an interaction partner can be complex requiring a look at the assumptions they make. Since the most visible aspect of their assumptions involve their

behavior, we may need to backwards induct, reverse engineer, our way through their behavior to understand their choices, interests, and identity. For example, a multi-national corporation will behave differently than a colonial state when interacting with a Native Nation. Interests may converge and conflict, but identity and choices will differ resulting in differing behavior. Simultaneously, time is a factor. The way colonial actors and corporate interests once interacted with Native Nations is not the way they interact today. This is just another way of stating our initial premise: behaviors of those interacting are observable via events. It is truer for Indigenous actors than any other actor on the planet that their identity itself is wrapped up in their institutions of governance.

C. Why Institutions Survive Catastrophic Events

The resiliency with which many Native Nations have been characterized, due to their ability to withstand 500 years of colonial activity, has received a good deal of attention. Within this research, Peoplehood has been offered as a more concrete explanation for such resiliency arguing that when policy forms the basis for an attack (event), they tend to attack only portions of the Peoplehood characteristics (Holm, Pearson, and Chavis 2003). Indigenous actors survive only if some aspect of their Peoplehood also survives the colonial onslaught. Yet, other theories compliment the notion that Peoplehood explains, not merely describes, Indigenous cultural survival. Peoplehood explains why we have Diné institutions of governance to fall back on at all. Going further, the very resiliency of Diné culture also gains credibility when it is directly linked to institutional resiliency regardless of their cultural origin.

The resiliency of institutions themselves is not a "mythic" phenomena reserved only for Indigenous cultures. Institutions exist in Indigenous cultures just as they do in

non-Indigenous cultures. Complimentary to other explanations for why Indigenous

institutions of governance continue to exist, consider the punctuated equilibrium model

(or PEM) as it has been applied to public policy research. PEM, in its original form, is a

theory of evolution meant to explain the problems that incremental explanations of

evolution fail to account for such as gaps in the fossil record. Given these gaps,

researchers in biology proposed that gaps in the fossil record may be explained by virtue

of a "shock" to the environment which eliminated a species thereby opening a niche for

another species to thrive in some new form (Diehl and Goertz 2000). Admittedly, PEM

may seem a world away from Indigenous governance institutions research. Regardless,

the philosophy of the current research design has relied upon a key assumption: good

research designs can be fine tuned to their respective environment. Much of the fine

tuning has already been conducted regarding PEM and non-Indigenous institutions (Diehl

and Goertz 2000). Let us examine how well PEM may work in explaining Indigenous

institutions of governance and their resiliency to colonial activity.

Social science PEM applications include research on public policy formation and

rivalries (Diehl and Goertz 2000). Once again, the reason that the diversity of phenomena

captured within a single explanatory mechanism can occur is because we are focusing on

events and outcomes. PEM can help us guide our thought process (an institution) as we

explore the events (biological, public policy, or Indigenous institutional survival) most

relevant to the current research. PEM is characterized by identifying two key framing

mechanisms: "critical junctures" and "path dependency". Depicted in Figure 6.1, PEM

assumes that a "shock" to the political system opens up an opportunity for several options

to occur. The shock is more generally known as a critical juncture; a point in time in

which several policy options are available to populations in the aftermath of the political

shock. Several paths are chosen but system investment in one path begins creating the

notion of "sunk costs" or the allocation of resources into building an infrastructure in

support of a single path. As such, it becomes more difficult as time and resources are

sunk into a single path to change to other paths. This phenomenon of "path dependency"

explains why a system of governance can be unforgiving and inefficient or otherwise

negative yet there are too many invested powerful entities (individuals, corporations, etc)

to allow for a path change (Collier and Collier 1991; Mahoney 2003; Pierson 2004).

Given PEM, it is now (hopefully) easier to explain the connection between the arrival of

colonial actors and the emergence of contemporary Indigenous governance.

Figure 6.1: Diagram of PEM and its reliance on Critical Junctures and Path Dependency
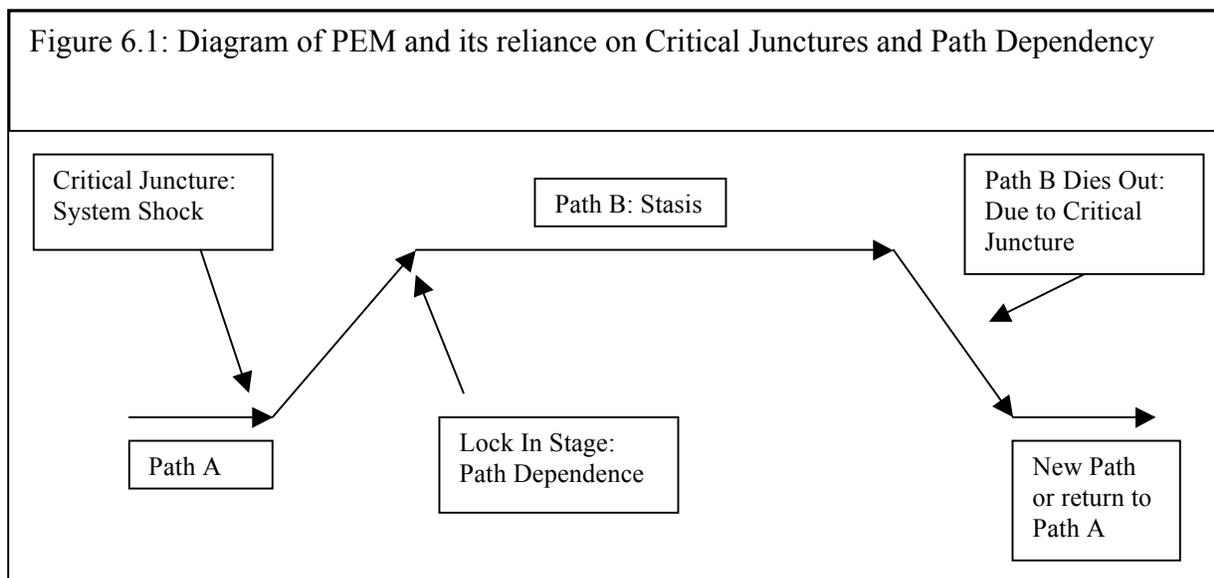
Contemporary Indigenous governance did not arrive by accident. Many would

argue that it is the legacy of centuries of federal Indian policy (Getches, Wilkinson, and

Williams 2005). Referring to Figure 6.1, it is now possible to consider "Path A" as the

pre-contact Indigenous governance (Deloria 2006; Holm, Pearson, and Chavis 2003). The

"critical juncture" or "system shock" was, for example, the arrival of Europeans in the

new world. Alternatively, the shock can be any other event such as a war, a treaty, or an act of removal. For the sake of simplicity, let's assume the event is the arrival of Europeans. While it was not a uniform arrival, the shock remained even if it was unevenly distributed across Native Nations through time. Many paths were followed. For example, British forces came to dominate the North American region and Spanish colonial actors rose to power in the South. But what if paths had not followed the way history explains? What would have happened had the Louisiana Purchase not taken place? What if the US would not have annexed California, Nevada, Utah, and parts of Arizona, New Mexico, Colorado and Wyoming? Or what of the question of Texas? Any of these paths could have been dealt with differently and, had sunk costs been overwhelming, path dependency may have locked in a much different "Path B" than the path history has outlined. And while the ramifications for exploring and explaining the past are powerful, the ability for PEM to shape our future public policy is at least as intriguing. Given the PEM explanation for the current state of Indigenous governance, it is now possible to explore a world in which a future political shock opens the door for the rebirth of Indigenous governance.

Consider for a moment that a political shock occurs forcing the US to deal with issues unrelated to Indian Country. The process may already be taking place. Consider wars in Iraq and Afghanistan. Or think about the emergence of Indian Country economies based on casinos and resorts. Still, other challenges such as the rise of the Euro could be future shocks. Many challenges can emerge and take various forms including the challenge for US hegemony by China and India. There are several potential shocks that could cause the decline of the current US dominated stasis period. It would only take one

shock to dislodge the current stasis period and then the shock would dissipate quickly. Left unclear is what would take its place nor how it can be possible to support a traditional Indigenous form of governance to gain momentum and lock into a stasis period. Such arguments are not new in political science. Essentially, PEM offers a more systematic way of waiting for a window of opportunity in which quick action is necessary on at least two fronts. First, the traditional knowledge path must be driven into the gap created by the political shock. Any path that is newly introduced must overcome its critics while producing quick gains early on. Second, the various alternative paths must be discredited to the point that people abandon them as quickly as possible. These two strategies would force more resource allocation toward an Indigenous form of traditional governance so as to fill the void left by the decline of US hegemony. PEM explains why institutions (in general) survive and what it takes to dislodge institutional pathways. Peoplehood explains why some pathways go dormant only to potentially remerge. The history of Diné governance is full of examples articulated above.

D. Testing Diné Institutions

We have explored at least two explanations for historical outcomes above. Peoplehood explains why some Indigenous institutions survive. PEM explains why some institutions (generally) do and do not survive. Together, they create a frame for reassessing the history of Diné governance. Reassessing the history of Diné and colonial actor interaction requires some simplifying assumptions. It is reasonable to assume that traditional and contemporary Diné governance are, at least, institutions of governance. The definition offered earlier outlines a minimum set of requirements to which Diné governance institutions adhere. In Chapter Three, a history of Diné governance is offered,

in part, to serve our purposes here. If we also assume that each of the interactions between the Diné and colonial actors are events, we can go further and assume that some of those events are shocks to the Diné institutions of governance. As will be demonstrated below, there are at least two outcomes to shocks: institutions survive (possibly modified) or institutions disappear. After we test the history of Diné governance, two aspects of Diné governance will become clearer: 1. few Diné institutions were eliminated solely based on colonial activity and, 2. of the Diné institutions that "appear" to have been eliminated, clear evidence of suspension may be a more accurate description of the status of said institutions. In other words, some Diné institutions that seem to have disappeared may, in fact, remain dormant today by virtue of a conscious effort by Diné leadership to strategically obscure them.

In Chapter Three we explore the history of Diné governance. Here we need to explore the events which occurred in a timeline fashion. Shocks to the system do exist in the accounts of pre-contact traditional Diné governance. These shocks, while interesting, are outside the scope of the current research because the goal here is to demonstrate how inter-cultural interaction is retold by the apparent victor in a flawed manner. Hence, the focus will be on the interaction period. The events, outcomes, and shock ratings are depicted in Table 6.2 below:

Table 6.1: List of events, outcomes, and relative shock scale rating		
Event	Outcome	Shock Rating
A. Contact of 1583	None	.01
B. Treaty of 1706	Diné (and other tribes) work to drive out Spain	.17
C. Treaty of 1786	Diné allow Spain to occupy New Mexico area	.36
D. Treaty of 1805	Cease fire due to 100 Diné killed in fighting	.23
E. Treaty of 1819	Cease fire due to losses (Spanish and Diné)	.09
F. Mexico	None	.01

Declares Independence 1821		
G. Treaty of 1822	Encourages European Warfare	.05
H. Treaty of 1823	Encourages slave trade/political economic interaction	.08
I. Treaty of 1824	Not known (lost to time)	.01
K. Treaty of 1835	Not known	.01
L. Treaty of 1839	Offset kidnap of Diné women for a time	.12
M. Treaty of 1841	Cease fire to recover from war/slave raids/etc	.07
N. Treaty of 1841 II	Not known (lost to time)	.01
O. Treaty of 1841 III	Not known (lost to time)	.01
P. Treaty of 1844	Cease war/encourage free trade	.05
Q. U.S. takes southwest	None	.01
R. Treaty of 1846	None	.01
S. Treaty of 1848	None	.01
T. Treaty of 1849	War, slave raids, killing of Naat'áanii, and resentment	.14
U. Treaty of 1851	Redundant, 1849 treaty replayed with other Diné	.1
V. Treaty of 1855	Split approach (peace Naat'áanii sign/war Naat'áanii not)	.32
W. Armistice of 1858	Cease fire to prepare for peace negotiations/animals killed	.4
X. Treaty of 1858	Eastern boundary set/US legal authority imposed east	.24
Y. Treaty of 1861	War continues	.65
Z. Hwéldi 1864	Walk to Bosque Redondo	.77
AA. 1864-68	Carson extermination at Canyon De Chelly/some walk away from Bosque Redondo/others stay and starve/US gives up on Bosque Redondo experiment and allow remaining Diné to walk home	.74
AB. Treaty of 1868	Diné homeland returned to Diné / Remaining people return home/ Naachid suspended indefinitely	.61
AC. Fall 1868	Blessing Way at Window Rock, domestic governance resumed and groups go in four directions – basis for contemporary agency system – note lack of "protection way" ceremony	.3
AD. Congressional act of 1869	1868 treaty generally acknowledged (assimilation period begins)	.28
AE. 1878-1884	Reservation expanded since Diné returned to homeland outside U.S. reservation boundaries listed in 1868 treaty	.13
AF. 1878-1910 Indian Agent	"Traditional" leaders (Naat'áanii) age and are replaced by new leaders chosen by BIA Indian	.42

Appointments	Agents. New leaders chosen as outlined by Federal Indian Policy of assimilation	
AG. 1884 Police Chief Appointment	Chee Dodge replaces Manuelito – Bilingual mixed blood replaces legendary war leader	.19
AH. Agencies formally set up 1901-1911	Four directions formally acknowledged and a fifth central agency is set up	.11
AI. Oil Discovered 1921	Corporations take notice of Shiprock Agency since oil is discovered – make land leases on Navajo Nation is needed to allow for more corporate interaction with less oversight by the Navajos	.32
AJ. 1922 Business Council Formed	Distribution of revenue simplified so that fewer Navajos needed to agree to lease land for the purpose of extracting oil. Corporations allowed easier access to oil deposits for less than fair market value	.41
AK. 1/3/1923 Business Council modifications	Navajos take more control over land leases for purposes of oil extraction. U.S. government approval forced into the model	.3
AL. 1/24/1923 Business Council modifications	Business Council Expands scope of operation and becomes the Navajo Tribal Council – an overarching Federal system of governance encompassing all five agencies	.27
AM. 1933	Tribal Council revokes direct U.S. impact on their policy decisions (covert influence remains)	.23
AN. 1934 IRA	Indian Reorganization Act ends allotment and encourages Navajo Tribe to write a constitution similar to U.S. model – Navajos resist	.15
AO. 1938 Tribal Constitutional Assembly	Members of Tribal Council create an Assembly to write a constitution. They fail to write a constitution and, instead, vote themselves into power becoming the Tribal Council. Provisions about approval from the Secretary of Interior of the U.S. and other overt attempts by the U.S. to exert power over Navajo tribe are rejected. Covert influence remains constant	.24

What is included and excluded from the Table remains debatable. Not everyone will be satisfied with the current approach. These qualifications aside, the reasoning here is as follows: The time period in which the greatest series of shocks to Diné institutions is limited to the period of contact up until the period of the formation of the Navajo Nation (Tribal) Council. Other shocks to the system certainly exist in the pre-contact era.

Absolutely, shocks exist in the post-1923 era as well. These shocks are beyond the scope

of this research and assuredly warrant future attention. Our goal here is to demonstrate

that colonial attempts to destroy Diné institutions of governance have largely failed.

With the above in mind, Table 6.2 depicts events which have occurred between

the point of contact to the formation of the contemporary governance institutions. The

events list is more or less comprehensive in that the list is typically retold by non-Navajo

oriented history texts. The list is supplemented with Diné accounts of their own history

which help explain interactions with colonial actors further. Next, the outcome column

depicts a narrow interpretation of the event. The outcome is strictly framed as the Diné

interpretation and impact experience. The outcome can be considered inter-subjective

because the following events are necessarily derivative of such interpretation.

Simultaneously, the subsequent event is necessarily, at times, a response to which further

Diné interpretation of and reaction to said event is inter-subjectively experienced. We

need to have this vantage point since we are most concerned with the impact of events on

Diné institutions. The third column may need the most explanation.

The shock rating is a relative scale of shock felt by the Diné after an event occurs.

The shock scale is based on the notion of a concept continuum. A rating of 0 indicates

that there is absolutely no impact whatsoever. The 0 indicates that, essentially, no event

has occurred. Logically, it is a mistake to include an event in the Table of events that

ranks as 0. Including an event with no impact on the Diné amounts to discussing an event

which has no relevancy to the Diné. Such is the most extreme negative point on a concept

continuum of shock which is possible. One should consider the event shock value of 0 as

the boundary for impact. There also exists a positive extreme point which denotes the

most shock and impact surrounding an event. Such an event may be so impactful that it eliminates the group or transforms the group to such a degree that they no longer can be considered the same group as they were before the event. The 1 shock rating for events is the other extreme along the continuum of events. Including an event that ranks 1 should give us great caution. Rankings at 1 may indicate that all of the other events along the continuum need reconfiguring. An event ranked as 1 should be a red flag that there is more to the story than just a mere event. Events which are ranked at the extremes are considered "ideal types," (Collier and Collier 1991; Goertz 2006a; Ragin 2008; Sartori 1970).

These ideal types are perfect and, therefore, cannot exist in the real world. There is room for the ideal type in normative theoretic research discussing where policy should or ought to be (0) or where policy should not or ought not be (1). Of course, normative policy discussions as depicted here assumes that policy makers want as little change as possible to Diné governance and that elimination of Diné governance entirely is not desired. Note that the infinite range of possible shock values lies between the value of 0 and 1. Hence, events will be ranked relative to one another and in between the value of 0 and 1. [The above methodological approaches come from various sources and culminate here to best frame the Diné colonial experience (Goertz 2006a; Ragin, Drass, and Davey 2006; Ragin 1987; Ragin 2000; Ragin 2008; Ragin and Becker 1992; Sartori 1970)] If we assume a normal distribution of events (which is not necessarily the case with actual data), 68 percent of events that have occurred should fall 1 standard deviation from the mean event and 98 percent of events should fall 2 standard deviations from the mean event. See Figure 6.3 for a visual depiction of the shock continuum.

Figure 6.2 – Visual Depiction of Shock Continuum Spectrum of Events/Severity of Shock

1861 - .64

1868 - .61

Carson - .74

Hwéeldi - .77

0   0.5   1
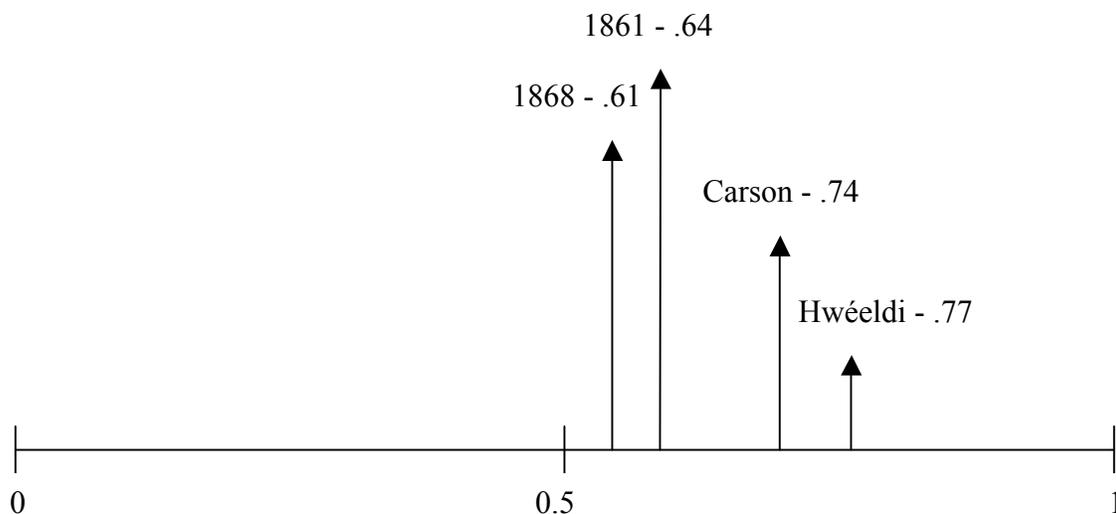
Now we have an idea of the spectrum of events which have impacted Diné institutions. The poles are established by reordering the events along the continuum. Any event ranked 0 is not relevant to Diné institutions. Any event ranked 1 is so fantastic that it is improbable if not impossible that it ever occurred. The scale of shock is inter-subjective in that the shock is based on the Diné perception of the event itself. For the sack of clarity, each event is assigned a letter in the order of time in which the event occurred. Hence, the first contact event is assigned the letter "A". This way, all of the events can be placed on the continuum. Since the most interesting events are likely the events that have had the most impact, lets start here. The most impactful event from Table 6.2 is The Long Walk or Hwéldi. Yet, even this event is not anywhere near a 1 on the scale of impact. For an example of a "1" event involving non-Diné, there is evidence

of California tribes which were outright victims of extermination at the hands of settlers.

Small bands near the coast were encountered and the Indigenous men were killed in the

initial battle with European men. The women and children remained in the village

waiting for word from the men regarding the new arrivals. With no word from their men,

the women and children either waited or realized that something horrible had happened

and fled to other villages. Many were seized upon by settlers and killed in a form of

genocide or ethnic cleansing (Bordewich 1996; Heizer 1993; Trafzer and Hyer 1999).

This type of event would rank at .95 since it catastrophically impacted the

governance institutions of the tribes let alone the tribe itself. Since there never was an

event like the above for the Diné, one cannot hastily rank The Long Walk as 1. Rather, let

us presume that The Long Walk was the most shocking event with a rank of .77. On the

other end of the spectrum are events which had little impact if any. Some events are

simply not well understood. In the case of lack of information, we can assume that the

outcome was of little or no impact, hence, these events have been assigned a rating of .01.

Yet, consider that since these events are so close to 0, and the history of such occurrences

seems to warrant little if any coercive impact on the Diné, ranking so low on the scale of

shock may allow us to reconsider how relevant these events really are to the Diné. In

other words, these events really mattered much more to colonial actors than they did to

anyone else. [More information on calibrating concept continuum scales can be found in

Ragin (Ragin 2008).]

Figure 6.4 is a collection of descriptive statistics based on the events of Diné

history. The most intriguing trend to note here is, first, there are a number of events

recorded by non-Navajo history that have little to no impact on Diné institutions.

Secondly, only two events get above a .6 and only 4 events go beyond .5. The majority of

the events are in the left end of Figure 6.4. The bar on the far left represents 10 events of

very little impact on the Diné. The bar second to the left represents the Treaty of 1822

and the Treaty of 1844. The next bar represents the Treaty of 1841. Next is the Treaty of

1823, the Treaty of 1819, the Treaty of 1841, the agency system set up, the Treaty of

1839, the collective expansion of the reservation via executive orders, and the Treaty of

1849. Continuing with the single events, and about one third the way between least

impacting and mid impacting, is the passage of IRA. Next is the appointment of Chee

Dodge, The Treaty of 1805 and the creation of the 1933 Tribal Council revocations. Next

is the Treaty of 1858, and the 1938 Tribal Constitutional Assembly. Next are the

1/23/1923 Business Council modifications, recognition of the Treaty of 1868, and the

Blessing Way Ceremony of 1868 at Window Rock that each increase in level of shock

marginally. The 1/3/1923 Business Council modifications rank next. Two events, the

Treaty of 1855 and the oil discovery of 1921, rank next. The Treaty of 1786 comes next.

Slightly more shocking is the Armistice of 1858. These events are followed by formation

of the 1922 Business Council and the replacement of the pre-1868 leaders. Note the gap

in the graph here which may indicate a shock level tipping point. The four most shocking

events are the Treaty of 1868, the Treaty of 1861, the Carson Campaign, and the Long

Walk. The data warrants further contemplation.

Table 6.5 is the distribution of event frequency and the relative shock value of the

individual events. There are a total of 41 events. The distribution of events based on

relative shock to Diné institutions is in line with what Peoplehood predicts. The majority

of events, although qualitatively horrific, had little impact on Diné institutions in general.

Figure 6.3 – Descriptive Statistics on Events in Diné History

Table 6.2 – Distribution of Event Frequency and Relative Shock Value

Event Frequency	Lower Shock Range	Upper Shock Range
15	.0	.09
8	.1	.19
6	.2	.29
4	.3	.39
3	.4	.49
0	.5	.59
2	.6	.69
2	.7	.79
0	.8	1.0

In fact, evidence of Diné institutional impact is depicted in Table 6.6. Here you have a 2

by 2 table. The first column is the category of events with relative levels of shock to the

Diné institutions of governance. The second column represents the survival of

institutions. The last column represents the Diné institutions which stop operating. Based

on the historical record, there is only one instance of a Diné institution halting. The

Naachid is last held prior to The Long Walk by most accounts (Austin 2007; Wilkins

1987). There are no other events that indicate a Diné institution ceases operation. This is

the first hard evidence that colonial attacks on Diné culture have failed. But this is not to

say that modification of Diné institutions is not a factor. The information can be pursued

further with even more interesting interpretations.

Table 6.3 – Two by Two Table of Institutional Impact on Diné Governance		
	Survive	Dormant/Cease
Shock less than .59	37	0
Shock more than .6	4	1

That only one event in Diné history produced the outcome of an institution

ceasing to operate is a clue that there are certain conditions which result in such

outcomes. The conditions which lead to the loss of Diné institutions are:

A. Forced removal
B. Active war
C. Impact on political economy
D. Ineffective treaty/reservation confinement (commitment problems)

The four conditions deserve explicit definitions. A) Forced removal is defined as overt

attempts by a colonial actor to remove an Indigenous actor from their traditional

homelands. An example of forced removal involves the colonial actor designating a relocation area and colonial activity to force march Indigenous peoples to the relocation area. Hwéldi is the Navajo forced removal event. B) Active war is defined as an overt military campaign by a colonial actor against an Indigenous actor. An example of active war involves the occupation of land belonging to, or adjacent to, Indigenous peoples homelands for the purpose of extinguishing aboriginal title. The Kit Carson campaign against the Diné is one active war event. C) Impact on political economy is defined as overt and explicit maneuvers by a colonial actor meant to cut off access of Indigenous actors to food and products. We might call such activity an embargo today. Carson's campaign into Tsé yí involved a "scorched earth" policy of burning cornfields and hooghans which would have impacted the Diné political economy. Finally, D) commitment problems are defined as the inability of colonial actors to live up to the terms of the treaties they agree to. An example of commitment problems involves the inability of the U.S. to prevent settler encroachments on Indian lands. Another example involves the mal-distribution of rations to families most friendly to colonial actor interests. The U.S. constantly instigated conflict with the Diné or otherwise was not capable of preventing conflicts of a personal nature from spilling over into warfare. The U.S. was not capable of committing to various treaties signed with the Diné as is evidenced by the failure of the U.S. Congress to ratify many treaties.

These are the four factors which led to the loss of the Naachid. The outcome, ceased institutional operation, may be represented by X. Hence, the following equation:

$$A + B + C + D = X$$

By negating even one of the conditions (A through D) we end up with the inability to stop a Diné institution from operating. For example, consider the other events which rank at .6 or higher on the scale of shock. This nets 4 events in total. The events are the Treaty of 1861, The Long Walk, the 1864-68 Carson expedition in Tsé yí, and the Treaty of 1868. These events share some of the conditions leading to the stoppage of Diné institutions. None of the events share all the conditions. These events are depicted in Table 6.7, a truth table of all events indicating the presence or absence of the five conditions listed above.

Event	Condition A Removal	Condition B War	Condition C Impact. P/E	Condition D Commit Prob	Outcome X Dormancy
A	No	No	No	No	No
B	No	Yes	No	Yes	No
C	No	No	Yes	Yes	No
D	No	Yes	No	Yes	No
E	No	Yes	Yes	Yes	No
F	No	Yes	Yes	No	No
G	No	Yes	No	Yes	No
H	No	Yes	Yes	Yes	No
I	No Data	Lost			
J	Verify exists				
K	No Data	Lost			
L	No	Yes	Yes	Yes	No
M	No	Yes	Yes	Yes	No
N	No Data	Lost			
O	No Data	Lost			
P	No	Yes	Yes	Yes	No
Q	No	No	No	No	No
R	No	No	No	No	No
S	No	No	No	No	No
T	No	Yes	Yes	Yes	No
U	No	Yes	Yes	Yes	No
V	No	Yes	Yes	Yes	No
W	No	Yes	Yes	Yes	No
X	Yes	Yes	Yes	No	No
Y	**No**	**Yes**	**Yes**	**Yes**	**No**
Z	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
AA	**Yes**	**Yes**	**Yes**	**No**	**No**
AB	**No**	**No**	**No**	**No**	**No**
AC	No	No	No	No	No
AD	No	No	No	No	No
AE	No	No	Yes	No	No
AF	No	No	Yes	No	No
AG	No	No	No	No	No
AH	No	No	No	No	No
AI	No	No	Yes	No	No
AJ	No	No	No	No	No
AK	No	No	Yes	No	No
AL	No	No	Yes	No	No
AM	No	No	No	No	No
AN	No	No	No	No	No
AO	No	No	Yes	No	No

Table 6.4 – Truth Table of Events and Conditions

The events I mention here are bolded in Table 6.7. We can remove many of the events to get a more manageable view by limiting our focus to events with a .6 level of shock or higher. I have created this Table (6.8) and include it here (the same events bolded in Table 6.7 are expressed alone in Table 6.8). For both Tables 6.7 and 6.8, the first column represents the events (for Table 6.8, only events with shock values of more than .6). The subsequent columns from left to right are the conditions which are present in the given events. By negating one of the conditions, the resultant loss of an institution is prevented. Examination of the four events in question, in order of chronology, is warranted. The 1861 treaty lacked the A) forced removal condition. When the Diné were within their Sacred Mountain boundaries, they had no reason to give up the Naachid. The Long Walk event did contain all four conditions leading to the suspension of the Naachid. The Carson campaign lacked D) the necessary enforcement of prior treaty guidelines, namely A) the removal clause. And the Treaty of 1868 event lacked two conditions; A) forced removal and B) active war. With these events and outcomes articulated, we can re-present the events and outcomes in Table 6.9.

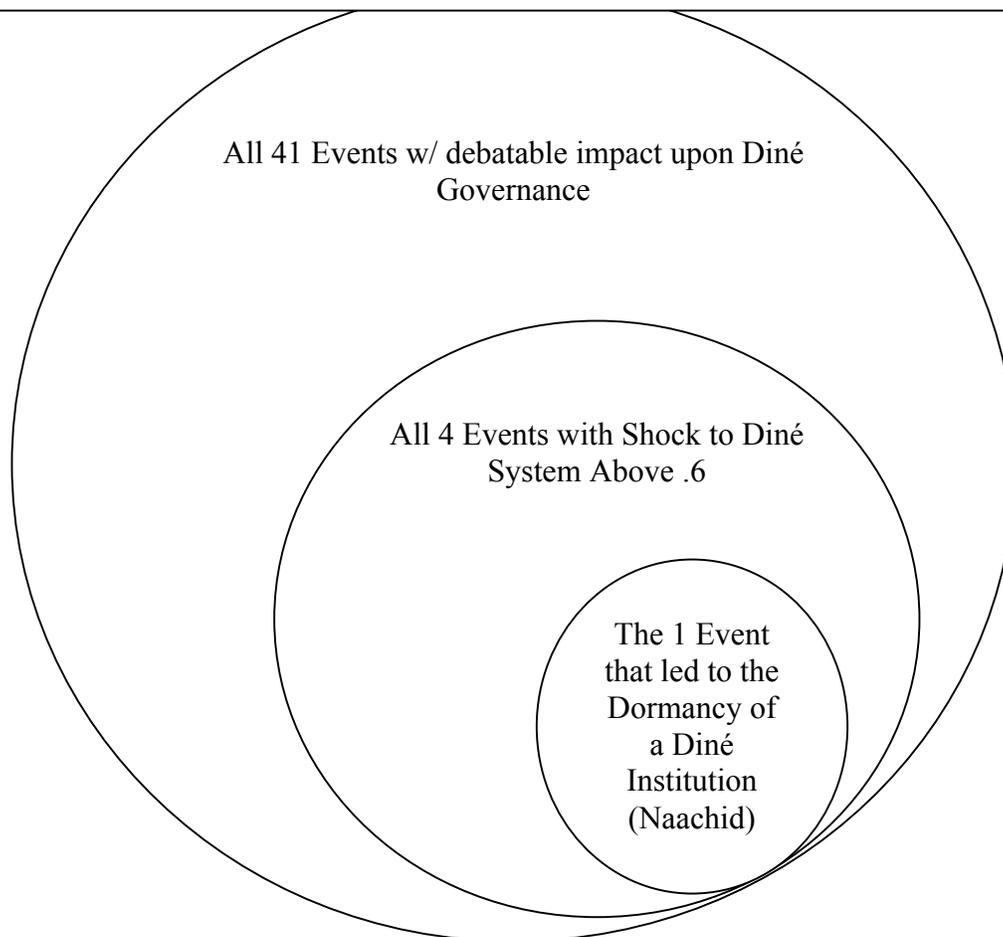| Table 6.5 – Truth Table with Event Shock at .6 or higher					
Event	Condition A Removal	Condition B War	Condition C Impact. P/E	Condition D Commit Prob	Outcome X Dormancy
Y	No	Yes	Yes	Yes	No
Z	Yes	Yes	Yes	Yes	Yes
AA	Yes	Yes	Yes	No	No
AB	No	No	No	No	No

Table 6.9 is a 2 by 2 table of causal conditions and outcomes. The conditions here are based on a threshold rating of the shock of events equal to .6 or higher. An event rating greater than .6 is considered a necessary condition for stopping a Diné institution.

There are no losses of institutions below a rating of .6. Yet, even the rating level being

sufficiently high is not enough to prevent an institution from ceasing to operate. One

needs to find all four casual conditions. What this Table suggests is that events must be

sufficiently shocking to the system before one can even begin to bring in the conditions

necessary to eliminate an institution. Even when the shock value is high enough, all four

conditions must be met or the institution will continue.

Table 6.6 – 2 by 2 table of conditions and outcomes for events w/ shock .6 or higher		
	Condition Absent (no shock)	Condition Present (shock)
Outcome Present	3	1
Outcome Absent	0	0

So what does the above all collectively mean? There are several causal

mechanisms at work in the history of Diné governance. We have discovered that,

regardless of 500 years of colonial activity, there exists a recipe resulting in the dormancy

of Diné institutions of governance. Hence, the relationship between events and impacts

on institutions is quite drastic and clear. We can re-express the causal relationship using

set theory in Figure 6.10.

Figure 6.4 – A set theory depiction of the causal mechanism at work leading to dormancy in Diné institutions of governance

All 41 Events w/ debatable impact upon Diné Governance

All 4 Events with Shock to Diné System Above .6

The 1 Event that led to the Dormancy of a Diné Institution (Naachid)

Set theory is a method used to better understand the relationship that outcomes have with causal conditions. These connections may remain obscured if we allow our histories or our other linguistic efforts to take charge of understanding the relationships. Our findings indicate that of the 41 events which are mentioned by mainstream history, only 4 events can be logically traced to a threat to Diné institutions of governance. Of the 4 events, only one event can be traced to the dormancy of a Diné Institution of governance, the Naachid.

The most interesting result of the analysis thus far is that it is a rare event resulting in the dormancy of a Diné institution of governance. But the research can be taken even further. A part of the family of methodological approaches mentioned earlier includes fuzzy set analysis (Ragin 2008). The rare characteristics of the events and outcomes can be calculated to prove that the events are in fact rare, thus demonstrating that colonial activity is futile when it comes to destroying institutions of Diné governance. Fuzzy set methodology holds that one is able to illuminate a "recipe" with which to arrive at a given outcome. Hence, I have previously identified the four conditions which must all be present in order for an institution of Diné governance to go dormant. The conditions [A) removal, B) war, C) economic impact, and D) commitment problems] are only present one time in the entire history of interaction. Looking at the coverage percentage of all the events in which all four conditions exist proves the rarity of Diné institutional dormancy. If we take the truth table (Table 6.7) and convert the yes answer into 1 and the no answers into 2, we can test the consistency and coverage of the four conditions and their relationship to the outcome of institutional dormancy. The level of coverage is only .04 or 4 percent. Hence, 96 percent of the time there is no outcome indicating that an institution has been forced into dormancy. But dormancy is the most extreme outcome that can be measured. Reconfiguring the data can produce even more interesting results which can inform our future policy approaches.

What has been tested above will hopefully incontrovertibly demonstrate that the relationship between colonial activity up to and including acts of genocide have failed to eliminate the majority of pre-contact institutions of governance. The topic is explored here because it is difficult to argue for the use of institutions if those institutions either no

longer exist or the institutions cannot survive the contemporary political environment. It is therefore significant that the evidence is overwhelming and conclusive that traditional institutions of governance still exist, even if in a dormant state. And even for the one institution that seems to remain in dormancy, the necessary conditions for creating more dormancy have not been exercised since 1864. The theoretical explanation for dormancy and potential for revival are complex and dynamic, yet they hold up.

The test of institutions is designed to demonstrate how past historical research has merely retold the official story from the perspective of the U.S. government. While this fact is neither new nor ground breaking, what is wholly unique is that the research has not been "reinterpreted" nor has new archival research come to light with little or no impact on the entire picture. Rather, the mainstream evidence, supplemented by the oral accounts, forces researchers to reexamine the "main events" that have been handed to us by past historians. Citizens of Navajo Nation need to understand how powerful and resilient their traditional institutions of governance were and are. Such powerful evidence supporting the strength and resiliency of traditional institutions of Diné governance should remove our doubts about the ability of those same institutions to serve the contemporary citizens of Navajo Nation today.

CHAPTER VII: ATSA DÓÓ MA'II TSO

Various difficult issues have been raised forgoing a need for rehashing. Consider the potential problems that Diné leadership may encounter domestically, within Diné Country, and internationally, outside the borders of Diné Country. Many people consider change a scary proposition. When change does visit a people, they always fear that the changes implemented may create consequences far more troubling than the problems faced prior to change. It is understandable that change is feared given the recent history of the Diné. The changes in the last 500 years for the Diné have resulted in many tragedies including acts of genocide and ethnic cleansing. Regardless, the joke is on the colonizers and the Diné continue to exist. The next question to answer is how tied the Diné remain to traditional Diné governance values. Ultimately, a decision must be made regarding the future of Diné Country. Are Diné citizenry willing to change their governance structures toward the direction of Diné philosophy? Is such a proposition really an act of change? The Diné are in the best position to digest proposals for reform based on traditional Diné governance. Such reforms may not be so much of a change but rather a return to traditional Diné values. That being said, one must also consider the reaction to Diné change by those outside Diné Country.

Many actors interact with Diné Country. It is surrounded by the U.S., it surrounds Hopi Country, and it interacts with various colonial actors and multi-national corporations. While some of these relationships started out as acts of aggression and war, they have evolved over time to a point of veiled aggression at worst and interdependence at their best. In a globalizing world, it is necessary to consider how domestic Diné governance changes will affect the relationships Diné Country has made with foreign

entities. These entities include states, international organizations, multinational

corporations, and other Native Nations. The idea that Diné Country is not changing but

rather reverting back to its traditional governance roots will not sit well with those

unfamiliar with Diné cultural norms. Such issues of unfamiliarity are resolvable by using

the concept building method. Concept building is a method of organizing information so

as to avoid vagueness. Vague language can be used to justify actions not originally

intended by the authors of said language. Using concept building methods can be used to

lock in Diné cultural values into whatever type of governance they choose to utilize. The

beauty of Diné governance structures, based on concept building methods, is that

concepts can be rearticulated in plain, adjective rich English language. Perhaps this is the

next step after fine tuning concepts has occurred.

Concept building methods are new to the academy and, as such, are not well

known outside of academic circles. In fact, very little has been published on concepts and

social sciences (Goertz 2006a; Goertz and Mazur 2008; Goertz 2006b). It is possible to

use the concept building method to supplement any syntax style language. So long as

syntax English refers to concepts by their basic level names, it should be possible to lock

in all of the underlying concept's secondary and data/indicator level traits so that future

Diné citizens may derive benefits for their children and grandchildren. For example, an

international Naat'áanii need not be called by that name. By replacing the basic level

name holder with a more digestible term (such as legislator), the outside world is less

likely to uncover the reassertion of sovereignty within Diné Country. Consider that most

international actors that adhere to the international relations theory of realism might be

concerned that Diné Country governance structures are reasserting international

sovereignty. Meanwhile, international actors which consider themselves liberal or socially constructed are more likely to support Diné Country's reassertion of international sovereignty (Hopf 1998; Hopf 2002; Morgenthau 1948; Waltz 1979). Here is a key place to look for and take advantage of opportunities to create new international norms. New norms will be supported by liberal nations and "functional creep" will allow continued behavior on the part of Navajo Nation to dominate. The real key is to keep the secondary and data indicator level traits intact. I believe that those concerned with returning Diné Country to traditionally inspired Diné governance principles have good reasons to foster optimism.

A. Why Traditional Diné Institutions are not Going Away

I believe (hope) I have incontrovertibly demonstrated with Chapter Six that the relationship between colonial activity up to and including acts of genocide have failed to eliminate the majority of pre-contact Diné institutions of governance. The topic of Diné philosophy as a foundation for governance would not be possible if we had to conclude that the philosophy was eliminated or lost. We do have some remnants of the philosophy to draw from. We may also conclude, albeit cautiously, that those traits of philosophy that appear "lost" may in fact remain imbedded within the Sacred Mountains and within the hooghans of individuals remaining silent today. Evidence for the way in which such philosophy may still exist has been tied to Peoplehood and gives me hope that there is a time when a contemporary approach to Diné governance can emerge again. At least one obstacle remains: The fact that history books assert assumptions not questioned openly remains a difficult barrier to surmount. I hope the research here assists with the barrier of

"history". Further research on the history of interaction is certainly warranted. Navajo Nation archives have not been consulted exhaustively.

B. Dziłná'oodiłii and Ch'óol'í'í – Chimney and Doorway

The Peoplehood model expresses what I have interpreted as a set of four necessary conditions for a people to exist. Sacred history, ceremony cycle, place territory, and specific language are embedded in all people (Holm, Pearson, and Chavis 2003). I have deduced that if these necessary conditions are the key to sustaining a people, that it makes sense how colonial activity cannot thoroughly destroy all of these aspects absent an act of systematic extermination. We understand now that the Diné were given many attributes to sustain themselves by the Diyin Dine'é. These attributes thrive in the form of land, ceremony, history, and language. We understand that the Diné have been attacked by many colonial actors in terms of war, removal, and economic destruction. The Diné had no choice but to return to their 'Iiná hooghan as they were instructed by the Diyin Dine'é. They went into their homes via Dziłná'oodiłii or the entry way. There, the philosophy and Dził Łeezh bundles remained dormant as outside their hooghan chaos dominated the landscape. Many lost their lives waiting for a time to emerge from their 'Iiná hooghan. Much of the philosophy was lost to age, boarding schools, Christianization, and America's future wars of colonization. Only now are some emerging via Dziłná'oodiłii with Dził Łeezh bundles to support them. I am merely in the right place at the right time to write down what I have been told to write down. 'Iiná hooghan can sustain life, philosophy, and future generations if leaders are capable of entering and exiting at the correct times.

Before a need to remain within 'Iiná hooghan became required, the basis for sustaining life was given to the Diné via Ch'óol'í'í' or the chimney. Specific language in the form of songs and prayers (Nahagha) were preserved by those capable of passing them to their children during the dormancy stage of Diné history. Diyin Dine'é listened as the songs and prayers resonated within the bounds of the Sacred Mountains and out through the chimney. Perhaps questions were asked by the five fingered earth surface people as they stayed within their 'Iiná hooghans. Perhaps the answers to their questions could only be transmitted through the chimney. Dził Łeezh bundles needed sustenance within 'Iiná hooghan via the chimney. This meant that in practical terms, food was prepared for the holders of bundles and exhaust smoke escaped 'Iiná hooghan via the chimney. Heat was provided by the forest during the cold winter months and exhaust escaped via the chimney. The Four Sacred Elements (K'ǫ́, Tó, Niłchí, Nahaadzaan) needed a way into 'Iiná hooghan during times of siege. It can be deduced that these elements gained entry and exit via the chimney. When it was time to emerge after centuries of onslaught, much was in dismay. Many were no longer on the earth. All was and is not lost.

C. Atsa – Look From Above

The stories of animal leaders involved attempts to lead and failures by the animals to properly govern. I assumed some things about these stories. Perhaps these stories mean that traits of the animals are needed from time to time. Maybe the failure of animals to properly lead means that no one animal trait can be used to sustain Diné life all alone. The traits of animals do come in handy during certain times. With this in mind, I asked Denny if there are certain animals that can assist the contemporary Diné to lead their

Nation. He answered that two animals may be able to help: one is the eagle or Atsa. Atsa has a unique point of view that is unlike a human's vision. Atsa can remain in the air and closer to father sky. Perhaps Atsa can explain how to learn from father sky. Atsa may provide a proper vision of the Sacred Mountains, the forces outside the Sacred Mountains, and the internal struggles individuals face. Atsa can see that war harmed the Diné. Atsa could see The Long Walk, the campaign in Canyon de Chelly, and the return of some from Bosque Redondo. Atsa could see when it was safe for the Diné that did not walk to Bosque Redondo to emerge from their 'Iiná hooghan. Atsa could and does see those people and traits that are "lost" today within and beyond the Sacred Mountains. One other animal trait is needed, however.

D. Ma'ii Tso – Look From the Earth

After talking with Avery Denny, he explained that the traits of the Wolf or Ma'ii Tso, may be key in discovering a future path for Navajo Nation. As Denny explained, the wolf has attributes making it ideal for locating the lost. I assumed he not only meant lost people, but also lost abilities that probably still remain hidden within the bounds of the Sacred Mountains. He probably also meant that individuals that can assist beyond the bounds of the Sacred Mountains can also be located. He explained the process in terms of wolves being able to find humans. He said a human could be lost someplace in the vast land that is Navajo Nation. A wolf may howl in order to communicate the need to search for the lost person. Other wolves will hear the call and begin the search. The various wolves can collaborate in a number of ways. They will each search their domains for the missing person. As each wolf searches, each can announce the results of their search with howls that other wolves will hear. Denny explained that, in this way, regions can be ruled

out as obscuring the location of individuals so that other areas may be searched. The search becomes more and more focused via the continued process of search, announcing the result, and having the search go forward in another location. Eventually, a wolf will discover the missing person. Once discovered, the wolf will then announce the discovery to other wolves so that all will know the location of the missing person. Thus, all of the missing people, or philosophies, are locatable via assistance from the wolf.

I took this story to mean that persons can also be attributes leading to good policy. Problems will seem vast and perhaps insurmountable. Yet, using the philosophy of the wolf or using what I have interpreted out of this story as a ground view orientation, we should find many facets. All the answers are contained within the boundaries set fourth by the Sacred Mountains. Locating exactly what is needed can be accomplished. Answers may not be located easily nor quickly. A slow and tedious result may only mean that a given set of individuals may not be capable of carrying such knowledge. Recall Justice Raymond Austin's statement: "If you were not meant to carry sacred knowledge, it will avoid you" (56). Perhaps Austin's wisdom is applicable to the advice of the wolf.

We five fingered earth surface people have openings which we can use to interpret our environments. We can detect the information first within our homes. As adults, if we can sustain a home, children, and a spouse, we can possibly contribute beyond our homes to our communities. It is not a choice to contribute. It is an obligation to contribute if we are so endowed with such abilities. This is why if you are not meant to carry an obligation, you will be able to hold certain knowledge. All individuals seemed to understand this fact long ago. People got up in the morning to plant and harvest as they understood they needed to provide for their families. The Four Sacred Elements gave all

the tools to sustain life. When outside forces came within the Sacred Mountains, many people, songs, prayers, bundles, and perspectives were lost. Today is the best time to look for the lost. Atsa can tell us what is coming around the corner and we can take that hint into Dibé Nitsaa or Sih Hasin hooghan and reflect on our life today. We can then discover what is missing within Sisnajiní or sodizin hooghan. We may discover here what is lost. Ma'ii Tso can locate what we discover (rediscover) is lost during our time within sodizin hooghan. When we find our lost, we can begin to plan for today and tomorrow via Naha'tá hooghan. We can begin to implement our long lost abilities. Then we return home to 'Iiná hooghan to ensure that we sustain ourselves and our families. Within 'Iiná hooghan we can deal with negating the seven monsters the Hero Twins allowed to live. We maintain our cleanliness, appetites by eating and drinking, our subsistence via enough wealth, and our maturity. Through research we can reclaim what was lost . . . our way of life . . . Nį 'Iiná. T'áá ákódí.

APPENDIX A –GLOSSARY

Methodology Terms

Causation	A carefully articulated relationship between condition and outcome. A causal relationship will not be referred to independent of evidence of a direct link between the cause and the argument. This is not to say that all causal relationships will be without controversy or debate but transparent and replicable methods of independently verified causal relationships will be offered for the skeptic. This approach serves two purposes: It allows independent scholars to test the causal relationships offered here and it allows scholars interested in other Native Nations to modify the approaches offered here to fit non-Navajo governance.
Colonial Actor	International relations (IR) inspired term meant to denote a state which has appropriated land and other resources that originally was occupied by an Indigenous group. This term is not known by mainstream IR scholars. Typically, IR scholars assume that states, international organizations, and multi-national corporations (mnc's) are the legitimate actors in IR. However, I believes no comprehensive understand of IR can occur unless Indigenous groups are recognized. Secondly, this nuance can be better clarified if a distinction is drawn between states and colonial actors. Hence, the term colonial actor will represent groups which represent European states. Colonial actors often declared independence from their European counter-parts. Yet, calling them "states" obscures the ability for critical scholars to better untangle the interactions between Indigenous peoples and Europeans. Therefore, colonial actors include the Spanish. The Spanish separated from their European home state (Spain) to become Mexico. But Mexico is still a colonial actor as it does not represent Indigenous peoples nor Indigenous values. The United States and Mexico bickered over their colonial agenda which was really a clash between two colonial actors. This led to the current colonial actor, the U.S., taking the lead on a colonial agenda. In the interest of generalizing a complex history, the phrase colonial actor will be used to keep the discussion on track via a Navajo point of view.
Concept	The word "concept" is defined as, "1. a general notion or idea; conception. 2. an idea of something formed by mentally combining all its characteristics or particulars; a construct. 3. a directly conceived or intuited object of thought," (Merriam-Webster Inc. 2007). This definition is far too broad and abstract. Rather, there is a technical definition which I have defined in the next row. The general definition of concept, furnished here, will never apply to the word "concept" when it is used within this dissertation. Synonyms for concept, such as "idea", "belief", "design", etc, will be used in lieu of concept.

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Concept (technical)	EXPLANATION FOR DISTINQUISHING BETWEEN TECHNICAL AND NON TECHNICAL CONCEPT – While I greatly dislike using the word "technical" it appears that no other term will fit the bill. Dissertations which are developed within a single discipline do not typically require that their in house technical "jargon" be defined. Rather, the jargon is well established as a norm within a given discipline. But when the field within which a dissertation is crafted is interdisciplinary, such as the present dissertation, it becomes necessary to make the reading digestible by many who may not be familiar with disciplinary jargon.

ACTUAL DEFINITION – This dissertation borrows from the methodological approach to concept building, (Goertz 2006a). Yet, within the approach itself, there is no definitive definition offered. Goertz, alternatively, proposes that the definition of "concept" be implicitly defined via the explanation on how to construct the concept itself. Thus, this author will take the lead from Goertz and ask that readers be patient and read Chapter Five. Here, readers will find the implicit definition of concept in the course of discovering how to construct concepts related to Diné culture. Hence, the word concept will ONLY appear within this dissertation when referring to the technical definition. |
Contemporary	A term meant to denote the period of 1923 to the present. This specific date is chosen because Diné history began to change during this year with the introduction of the Navajo Business Council. The word "modern" is avoided due to post colonial baggage (i.e. to avoid implying that a dichotomy between primitive and modern exists).
Governance	"A method or system of government or management," (Merriam-Webster Inc. 2007).
Government	"the political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states; direction of the affairs of a state, community, etc.; political administration," (Merriam-Webster Inc. 2007).
Norm(s)	Any activity exercised and followed via repetition. There is often little thought given to a norm process. It is just the way things are done. I argue that Western European law is a written law. Writing down laws is their norm. It should not be assumed that norms have superior or inferior traits. I'd like to approach norms on equal footing.
Institution(s)	Aspect of governance (regardless of cultural affiliation) used to deal with events, foreseen or not, having the ability to survive leadership changes. Closely related to the "institutional perspective" on governance

in which various structures guide and constrain the choices that leaders make regarding their interests. In a world without institutions, actors would be free to choose their interests independent of constraints. As is argued throughout, and is applicable to all aspects of genocide based colonial public policy, Indigenous institutions of governance have prevented colonial governance institutions (and colonial actors) from completing their mission of ethnic cleansing in the Americas generally.

Mechanistic A relationship with objects based on condition of extraction. Typically, mechanistic concerns involve attributing a fair market price to objects, information, land, etc. Distinguishable from strategic, organic, symbolic, or sacred value of objects, information, land, etc.

Method The mechanical tie between a research question, data, and theory. The aim is to ensure that research is replicable meaning that if you follow my instructions, you should be able to replicate or come close to replicating my findings. Reliable in that once the method is fine tuned, other researchers should be able to foresee consequence based on the addition of new information or data. Validity involves remaining consistent with a particular philosophy. I assume that philosophy is the gap used to fill subjective decision making. All other objective decisions can be reflected in method.

Organic Based on Holm et al 2003. Any object (land, water, information, etc) that has a tie to place territory, sacred history, ceremony cycle, and (or) specific language. It is unclear if all four aspects must be present. Case study research can then be used to fill the gaps left by omissions in historical records.

Sanction(s) Strongly related to a norm. A sanction is the way in which approval of a norm is observed. Sanctions can also indicate that a norm has been violated. I do not assume that written penalties are NOT norms. For example, statute lays out a written norm along with a written sanction for violating the statute (norm). These are norms and sanctions. Sanctions need not be punitive nor must they have enforcement mechanism in the European law sense.

Set Theory Methodological approach to social science research first developed by Charles Ragin. Best suited for research attempting to bridge the gap between qualitative and quantitative designs.

Theory A philosophy of thought used to make inductive reasoning leaps. All cultures have philosophy and no one philosophy is objective.

Pan-Indigenous Terms and Phrases

Indigenous Knowledge	General knowledge that is acknowledged by any Indigenous culture. Indigenous knowledge can be pan-Indigenous, tribal specific, or both. There is no universal, non-abstract definition for this term.
Indigenously	Having to do with Indigenousness.
Indigenousness	A trait that is associated with a particular Indigenous culture or pan-Indigenous values. I assume aspects of Peoplehood represent indigenousness.
Traditional	An unclear distinction between some aspect of government or culture that was recently adopted versus some aspect of government or culture that was adopted long ago (such as more than two generations before). Can also denote an aspect of government or culture which predates contact with European culture. Since much of the interaction between Indigenous and non-Indigenous society can be characterized as (intent not withstanding) a genocide or an ethnic cleansing, the record on what exactly is European and non-European is, at times, obscure.
Western	Can refer to culture, thinking, research design, or anything that might have a Euro or Euro-American orientation. See (Said 1978) for lengthy discussion of Western/non-Western dichotomy. "Western" will not refer to "cowboys and Indians".

Diné Terms and Phrases as related to Governance (Regional linguistic variation not withstanding)

Dibé Nitsaa	Mt. Hesperus
Diné Bitsáhákees	General phrase meant to characters all the stages of Navajo thinking.
Diyin Dine'é	Holy People
Dook'o'oosłiid	Navajo word for the San Francisco Peaks
E'e'ahh	West
Ha'a'aah	East
Hózhó	Literally "Beauty" but associated with a philosophy of positive or goodness.

'Iiná   Literally "life" but associated with Diné Bitsáhákees

Naat'ááhjí   Process of learning how to be a traditional Diné leader

Naat'áanii   Traditional Diné leader

Nahat'á   Literally "planning" but associated with Diné Bitsáhákees

Náhookǫǫs   North

Nitsáhákees   Literally "thinking" but associated with Diné Bitsáhákees

Shádi'ááh   South

Sih Hasin   Literally "carrying out" but associated with Diné Bitsáhákees

Sisnaajiní   La Plata Mountain

Tsoodził   Mount Taylor

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[i] See appendix A for a glossary of terms.

[ii] The note on Denny . . . etc. (which was furnished by Mr. Avery Denny, a cultural liaison working for Diné Policy Institute at Diné College)

[iii] Nits1h1kees and bits1h1kees are essentially the same word from what I understand. The "ni" prefix indicates it is the thoughts of three or more people. The prefix "bi" indicates it is "your" thoughts and does not reference ones own thoughts necessarily.

[iv] Naayéé'ji Nahaghá can be glossed over in English as war ways via songs and ceremonial practices. Another word that has popped up is Hashkéjí. It is probably not necessary for our purposes to understand the difference between these two terms. I will use the word Hashkéjí throughout this research. Ancita Benally's research uses the word Naayéé'ji. I will use her word choice when I cite her research.

[v] Jenkins & Schroeder. (1974). Page 33-44. See this text for a complete description of economic problems faced by the New Mexican government including details of lack of revenue to run the government, internal struggles within New Mexican government for control, as well as rumors followed by full fledged invasion by the U.S.

[vi] It is not the purpose of this chapter to retell the history of Diné Governance. Those interested in a brief history may revisit Chapter Three. Alternatively, information on traditional Diné governance can be located here: Nielsen, Marianne O., and James W. Zion. 2005. *Navajo Nation peacemaking : living traditional justice*. Tucson: University of Arizona Press, Wilkins, David. 1987. *Diné bibeehaz'áanii : a handbook of Navajo government*. Tsaile, Ariz.: Navajo Community College Press, Wilkins, David. 2002a. Governance within the Navajo Nation: Have Democratic traditions taken Hold? *Wicazo Sa Review* 17:91-129, Wilkins, David E. 2002b. *American Indian politics and the American political system*. Lanham, Md. ; Oxford: Rowman & Littlefield, Wilkins, David E. 2003. *The Navajo political experience*. Rev. ed. Lanham, Md.: Rowman & Littefield.. Rather, this section will outline several traditional Diné governance concepts using the concept building method.