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**Egalitarianism: A perspective from North American tribal  
society**

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**The University of Arizona, 1992**

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EGALITARIANISM: A PERSPECTIVE FROM  
NORTH AMERICAN TRIBAL SOCIETY

by  
Carol Nadjiwon

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## ABSTRACT

Western political thought is Eurocentric in world view. Since Western thought has been accepted as universal, there is the need to respond to this situation. This thesis will examine egalitarianism from a perspective of North American tribal society.

It is my hypothesis that since the discovery of the Americas, indigenous people continue to have a contradictory experience of egalitarianism. Although certain elements of equality were common to the thinking of indigenous people and Western man, Western nations oppressed indigenous people through egalitarian policies.

Several conclusions are made. There exists similar and different views of egalitarianism. The thinking of man reflects his world view. Western nations carried out racist and assimilation policies on American tribal people. This continues to be perpetuated under the guise of egalitarian policies to the detriment of North American tribal nations and Western civilization.

## INTRODUCTION

As a colonialized people, the indigenous people of the Americas suffer from oppression, deprivation of experience, and a denial of their history. An underlying objective of this thesis is to respond to these affects of colonization and the void left by the denial of history.

Our elders, too, have stressed the importance of knowing our cultural history and history of colonization. Indian policies didn't just begin in modern times. Dr. Dan Pine Sr., an elder of the Garden River Ojibways, said that one needs to know the past and from such knowledge one understands the present. From this, one is able, then to respond to the future.

What is egalitarianism and what does it mean to both tribal and civilized people? These are some of the questions I wish to respond to in my inquiry. It is my hypothesis that since the discovery of the Americas, indigenous people continue to have a contradictory experience of egalitarianism. Although certain elements of equality were common to the thinking of indigenous people and Western man, Western nations oppressed indigenous people through egalitarian policies. Moreover, the hypocrisy continues today.

The method selected to conduct this study is a comparative political studies approach which is comprehensive in nature. This method uses an interdisciplinary approach which includes the involvement of social science concepts, political science, law and history. Tribal society and egalitarianism will be a framework for analysis. As a comparative study it will examine the development of these concepts, the existence of similar, and different views of egalitarianism, and the application of egalitarian policies. The time of this analysis is the discovery and colonization of the Americas by the Spanish, British and the United States.

A historical background on the development of egalitarianism is essential to the understanding and meaning of the concept. Emphasis is placed on the Middle Ages since it is the historical context of the discovery of the Americas. It is also important due to the re-discovery of the writings of the Greek and Roman political philosophers. Besides Greek philosophers having influence on Western political thought, they also affected West European political and legal discourse toward the Indigenous people of the Americas.

The classical writings also examined man's change from primitive to civilized man. According to Robert Redfield, this transformation from primitive society to civilized

society is an important area of study to understand the thinking of man. As a result, the historical context of the Middle Ages is meaningful to cross-cultural studies.

The following objectives serve to guide this study to test out my hypothesis:

1. To provide a historical background on the development of egalitarianism.
2. To examine and compare tribal society and egalitarianism, as a conceptual framework for analysis, and the transformation from tribal society to city civilization.
3. To analyze the application of egalitarian policies, or the lacking of such, in Indian policies of the Spanish, the British and most recently, the United States.

Colonization in the New World and the dominance of Eurocentric thought are concerns this thesis will address. These factors have limited the consideration of other world views and the global thinking of man. As a result, there is the need to examine Western political concepts as being universal.

Further, as ethnonationalism grows along with continuing global ethnic unrest for self-determination, it has become critical to undertake cross-cultural studies. Western thinkers, mostly have been socialized in city state civilizations, yet they have drawn conclusions about primitive, or tribal man from their own ethnocentric experience. In raising Eurocentric thinking and bias this

writer, by acknowledging such phenomenon, attempts to be more open with a comparative political studies approach.

In this inquiry, the analysis of the kinds of man, tribal and urban has considerable significance. While the indigenous people of North America were living as intact tribal societies, people in Western Europe, from the fourteen to the sixteen hundreds, were undergoing change from Medieval rural societies to feudal decentralized societies, to national, industrialized, urban states. If human societies are, in fact, on a continuum from folk to urban one would find North American tribal societies on one end of the scale and West European on the other.

Given this situation, examination of such phenomenon is important for an understanding of the thinking of the two kinds of people. In addition, conflicts between tribal Nations and Western civilization's nation states will be more understood.

If man's expression arises from his experience, the question of common bonds uniting all men is a challenging one. Such deliberation requires participation of both civilized and tribal peoples.

Western intellectuals, from early writings have concerned themselves what an ideal world should be. The separation between ideals and reality has been a major characteristic of analytical thought. Further, ideals have

been contrasted to the actual world to probe what ought to be. Rational thinking began with Greek and Roman thinkers. Philosophers used the primitive, or pre-civilized society as a contrast to city state civilization for analysis and the development of new concepts. The following provides some major aspects of egalitarianism and tribal society.

According to Webster's dictionary egalitarianism is defined as a belief in human equality related to social, political, economic rights and privileges; a social philosophy advocating the removal of inequalities among people. Egalitarianism comes from the idea of equality.

Equality has a complex history of human equality of groups of people. A common definition is that equality, as an idea, consists of the belief that things can be alike and when alike should receive similar treatment.<sup>1</sup> Correlated to equality is hierarchy. Hierarchy is the notion that a ranked order of organization exists involving the subordination to the one above. Egalitarianism and equality also, reflect the Western dichotomy between abstract ideals and reality. The reality of Western civilization is a combination of inequalities and a hierarchical society.

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<sup>1</sup> Philip P. Wiener Dictionary of the History of Ideas.  
(New York: Charles Scribner's Sons), 138

In modern times, there is the tendency to think that the quest for equality began with the American and French Revolutions. In this thinking, equality was seen as a liberation movement. Besides opposing the Euro-hierarchical society, people demanded equal participation in the political process and equal opportunity to accumulate wealth.

The origin of equality is connected to Western man's thoughts on the purpose of man and Western civilization. The concern of man's existence is also, shared by the indigenous peoples of the Americas. These profound interests are important today as yesterday and this study adds to these perceptions.

Robert K. Thomas defined five major characteristics of tribal society. These include that tribal society is a group of people whose identities are formed by kinship relationships and who have lived together in an unbroken line of descent.<sup>1</sup> Tribal societies are traditional societies (Thomas,5). "Traditional" is defined to mean a body of knowledge accumulated over time which regulates life. Tradition provides a prescription for behavior.

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<sup>1</sup> Robert K. Thomas, "Mental Health: American Indian Tribal Societies" American Indian Families: Development Strategies and Community Health Wayne Mitchell, editor. American Projects, Arizona State University, Tempe, Arizona, August/September 1982, 1,2

Tradition is sacred like everything else. There is no 'Indian religion' as a segment of tribal society. Life is sacred (Thomas,7). The people live in a world of spiritual beings and relate to them as relatives, as kin. Tradition is sacredly sanctioned like everything else. Such societies are responsive to their physical or natural environment and they are closed and bounded by definition (Thomas,7,8).

Equality, from a perspective of tribal society would view the sacredness of all creation, the wholeness of life. Therefore, all creation is equal. All creation must live in harmony with one another. Since there is an interation with a world of spiritual beings based on kin relationships, inequalities or a hierarchical structure do not exist in a tribal society.

Since tribal society is a group of relatives, there is the sense of group solidarity. The collective 'we' is the norm. This is opposite to today's non-society of individuals maximizing their self interests (Thomas,15).

Today's tribal nations in the United States are predicated on a sense of community and sacred world view. Tribal expressions have come to include: collective land rights, decision-making based on future generations, on kin relationships and consensus. In addition, tribal concepts of power and law signify the sacred world view.



Equality is about world views and this is evident in the different political concepts of Aristotle and Cicero. Aristotle based Greek hierarchical society on the hierarchical order of the Greek gods and nature. He concluded that inequality was a fact. For Aristotle, cities symbolized the rise of civilization and man's progress. He analyzed that the first household was formed out of the association by men with women and slaves, the next stage was the village, comprising of several households of sons and grandsons, and the final association was the city or state, formed of several villages.<sup>1</sup> Aristotle believed that the city-state is the natural form of association. Since man achieved self-sufficiency, man could achieve the good life (Sinclair, I, 8, 2).

Cicero developed natural law based upon the common nature of men being "under God, one master, one ruler".<sup>2</sup> Cicero extended natural law to the fundamental equality of all men and the principle that all men have right reason. Cicero viewed equality as a moral requirement. A community required ethical purposes, or it would be nothing.<sup>3</sup>

<sup>1</sup> T.A. Sinclair, translated with an introduction The Politics, Aristotle (New York: Pequin Books, 1962) I, 2

<sup>2</sup> A.P. D'Entreves Natural Law An Introduction to Legal Philosophy. (New York: Hutchinson's University Library, 1951), 21

<sup>3</sup> George H. Sabine, A History Of Political Theory New York: Henry Holt and Company, 1937), 165

Thomas Aquinas integrated Catholicism with the re-discovered Greek thinking which is a milestone in Western thought. Greek thinking, that man is a rational political being, able to participate in natural law and politics of the state was combined with Catholicism, that rational creatures are subject to God.<sup>1</sup>

Egalitarianism is expressed from world views and religious thought. Thus, conceptions of human equality are depended on the views of the world as a whole.<sup>1</sup> The Hebrew world view was based upon an overpowering greatness of a single God. This produced a sense that all men are equally his creatures (Wiener,138). The Aristotelian and Ptolemaic traditions produced an idea of a qualitative universe along with hierarchic ideas of man and society (Wiener,138).

World views are dependent on fundamental beliefs about creation, religion and the relationship between the natural and supernatural worlds. One can therefore, appreciate different world views and their impact on the development of concepts. As a result of this approach, there is found to be a common notion of an existence of one God and Creator of the Hebrews, Christians and the indigenous people.

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<sup>1</sup> William R. Cook and Ronald B. Herzman, The Medieval World View (New York: Oxford University Press, 1983),39  
<sup>2</sup> Philip P. Wiener Dictionary of the History of Ideas. (New York: Charles Scribner's Sons), 138

The study of equality is a recurring theme of Western intellectuals. To analyze equality Tawney considered England which other writers did as well. He referred to Matthew Arnold who observed that in England 'inequality' is almost a religion.<sup>1</sup>

There is also the thinking that the rise of the capitalist state, the moral view of the state has been diminished. As a result, the capitalist state lacks significance as a civilized phenomenon since it is pre-occupied with the accumulation of wealth.

"If men are to respect each other for what they are, they must cease to respect each other for what they own. They must abolish the reverence for riches...(Tawney, 86, 87)"

This view is similar to the thinking expressed by Cicero that 'unless a society exists for ethical purposes' and 'unless it is held together by moral ties, it is nothing'(Sabine, 165).

The analysis of the hierarchical structure of western society took different perceptions. Marx took the position there existed class conflicts throughout history. The underlying class difference was the owners of the means of production and those that sold their labor.

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<sup>1</sup> R.H. Tawney, Equality (New York: Capricorn Books, 1952), 19

In Max Weber's view, social inequality is related to the increasing dominance of the bureaucracy in society. Weber stressed that emphasis needs to be given to the bureaucracy. The bureaucracy has dominance over the individual which brings about bureaucratic elites particularly, since socialism is based on a planned society and bureaucracies are required.<sup>1</sup>

From inception, equality was faced with the contradiction of being an abstract idea. The abstract idea was contrasted with the reality of inequality. Thus equality, as an ideal has served as a criticism of the actual life and society of Western civilization. Such analysis found human inequality as the norm. Egalitarian thinking has contributed to the analysis of society.

Since egalitarianism is a more encompassing approach linking different spheres of life for their inter-relatedness, the concept has connected the analysis of power relations with the distribution of wealth in society. From history, we see that the experience of inequality of different groups of people in society has been a moving force for change to modern democracy.

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<sup>1</sup> Bryan Turner Equality (New York: Tavistock Publications, 1986), 62

The hierarchical order of society, the inequality of human beings and unequal distribution of the resources or wealth have contributed to change. The process of change has tended to involve revolutions since the powerful have not negotiated ways to meet the demands.

The forms of equality we enjoy in modern democracy are to some extent the consequences of violent or radical action on the part of subordinate groups to achieve a more equitable distribution of wealth and power.

- Peter Hamilton (Turner,11)

In summary, this introduction has presented my hypothesis, objectives, some aspects of egalitarianism and a perspective from tribal society. Egalitarianism is complex and founded on world views whether, Hebrew, Greek, or Christian. As a result, a world view is essential to an inquiry on egalitarianism. A world view is an expression of a people, their culture, and environment. Thus, man's thinking is reflective of his world view. Since egalitarianism and equality are expressions of a world view and society, it becomes important to give recognition to non-European world views and more specifically, the world view of the indigenous people of the Americas. This study of egalitarianism is examined from this context.

Though 'public good' has replaced ethics in the modern society, egalitarianism has been a recurring theme in Western civilization. Consequently, this comparative study

has a meaning to the continuing concerns to the thinking and action of man. Tension between Western civilization and the indigenous people of the Americas can be attributed to the interaction of the two kinds of people; tribal and urban. Important, as well as is the power of oppression of the colonizer. Oppression is expressed in the plenary power of the federal government over tribal nations.

The phenomenon of transformation from tribal society to city civilization or urban society is significant. A most important element is the thinking of man. Since experience impacts on the world view of the two kinds of societies, what they think will have bearing on egalitarianism.

In hypothesizing that since the discovery of the Americas, indigenous people have had a contradictory experience of egalitarianism; this would indicate to be true based on the differing world views. Although both Western man and indigenous people shared similar philosophical elements of egalitarianism, Western man has used egalitarianism to suppress indigenous people. This will be tested on the application of egalitarian policies of Western nations with indigenous peoples of North America followed by conclusions.

CHAPTER 1  
TRIBAL SOCIETY AND EGALITARIANISM

The following provides a history of the concept of egalitarianism as well as compare the two concepts, tribal society and egalitarianism. Besides the comparison, consideration is given to the transformation from tribal society to city civilization. In addition, a comparative analysis is made on the world views of North American tribal societies and Western civilization, particularly in context to the Middle Ages.

Theories and concepts are abstract notions. Theories attempt to explain a set of facts in their relation to one another or explain phenomena. My hypothesis was formulated to investigate the notion and application of egalitarianism. Egalitarianism is predicated on the notion of human equality in all spheres of life. Also, it advocates the removal of inequalities.

The time period is limited to the Middle Ages and the discovery of the Americas. There are significant factors to be considered. Both people have a long cultural history. Both have experienced tremendous change. The Middle Ages changed from a theocracy to a secular society. For the

indigenous people of the Americas, colonization by Western man was the major change.

### History of Egalitarianism

It is notable that the discovery of the Americas coincided with the re-discovery of the writings of the Greek philosophers. Early Greek thinking expressed the transformation from tribal to city life. Aristotle viewed a state of inequality based on the Greek belief that gods were superior to men. Since the natural world reflected the spiritual world, this led to his premise that, by nature, certain people were more superior than others, and thus, these superior persons are the rulers.

"If one group of persons were as far superior to all the rest as we deem gods and heroes to be superior to men, having to begin with great physical and bodily excellence and equally great mental and spiritual superiority, so much so that the superiority of the rulers is indisputable and quite evident to those ruled by them, then, I say, it is better that the same set of persons should always rule and others always be ruled."<sup>1</sup>

This led to Aristotle's argument that,

"since this is not a condition that can easily be obtained,...it follows that, for a variety of causes, all alike must share in the business of ruling and being ruled by turns".<sup>2</sup>

<sup>1</sup> Aristotle, The Politics, translated by T.A. Sinclair  
(New York: Penguin Books, 1962), VII,14,285

<sup>2</sup> Ibid, VII,14,285



The ideology of a hierarchical view of the gods and man is also reflected in the Christian world view. The concept of hierarchy comes from the Greeks, in which the supernatural and priesthood were organized in ranks each subordinate to the one above. This differed from the tribal world view of man intermingling with spiritual beings and all creation lived in harmony with one another.

The change between the political theory of Aristotle and Cicero is a milestone in western political thought.<sup>1</sup> Aristotle made his assumption that men are not equal as a fact. Cicero viewed equality as a moral requirement of a state wherein human dignity and respect is due to every man. Thus according to Cicero unless a community is for ethical purposes and unless it is held together by moral ties, it is nothing (Sabine,165).

Natural Law or the law of reason originated with Stoicism which later had influence on the Romans. Stoicism approached the problem of the universe from pantheism, the doctrine that equates God with the forces and laws of the universe.

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<sup>1</sup> George H. Sabine, A History Of Political Theory, (New York: Henry Holt And Company, 1937),163

Stoicism established values based on Natural Law and if obeyed, man was virtuous and happy (Sabine, 165,166). This Law of Nature later, affected the Law of Nations.

For over two thousand years the idea of natural law has played a prominent part in thought and in history.<sup>1</sup> Cicero borrowed from Stoicism and in his 'Republic', he clearly defines the law of nature.

True law is right reason in agreement with Nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrong-doing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect on the wicked. It is a sin to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an expounder or interpreter to it. And there will not be different laws at Rome and at Athens, or different laws, no and in the future, but one eternal and unchangeable law will be valid for all nations and for all times, and there will be one master and one ruler, that is, God over us all, for He is the author of this law, its promulgator, and its enforcing judge" (De Republica, III, xxii, 33) (D'Entreves,20,21)

Natural law became a universal doctrine based upon the common nature of men; that all men are under one God,' and that 'true law is right reason in agreement with nature'. Significantly it came into the 'ius naturale' of the Roman jurists and into the teachings of the Christian Church (D'Entreves,21).

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<sup>1</sup> A.P. D'Entreves Natural Law An Introduction to Legal Philosophy. (New York: Hutchinson's University Library, 1951),1

Most important as well is the association of natural law to the concept of equality. Following natural law, Cicero developed the notion of the fundamental equality of all men (D'Entreves, 21). This idea that men are equal is based on the existence of a common bond; that is, since all men are created by God, all men have received right reason, law and justice and that these elements unite all. Human equality is therefore the direct result of the doctrine of natural law (D'Entreves,22). The following is Cicero's definition of human equality.

"No single thing is so like another, so exactly its counterpart, as all of us are to one another. Nay, if bad habits and false beliefs did not twist the weaker minds and turn them in whatever direction they are inclined, no one would be so like his own self as all men would be like all others. And so, however we may define man, a single definition will apply to all...For those creatures who have received the gift of reason from Nature have also received right reason, and therefore they have also received the gift of Law, which is right reason applied to command and prohibition. And if they have received law, they have received Justice also. Now all men have received reason; therefore all men have received justice." (De Legibus, I, x, 29; xii, 33) (D'Entreves,21,22)

Cicero's important contribution of natural law to political thought is recognized by becoming an universally concept throughout western Europe from the time of the Roman lawyers, to the Fathers of the Church to the nineteenth century (Sabine,163). Further, Cicero is responsible for the change in political theory of equality from inequality as expressed by Aristotle.

With the re-discovery of the Greek writings, there was tension between the ideologies of Roman Catholicism and Greek rational thinking.

It was Thomas Aquinas who was able to incorporate Aristotle's view of the state and analysis into medieval political thought and as natural law. Thomas Aquinas, therefore is a leading figure in Western thought. His ability to connect Greek philosophy with Medieval theological thinking brought about significant changes in the Middle Ages and Western civilization. This is evident by his idea of a political system and structure in which free men may be ruled by another.

The ultimate end of the whole universe is considered in theology, which is most important without qualification. He (Aristotle) says that it belongs to political science to treat the ultimate end of human life.

And, since the things that come to mans use are ordained to man as to their end, and the end takes precedence over the things that are for the end, it is therefore necessary that this whole, which the state, take precedence over all wholes that may be known and constituted by human reason.

A free man may be ruled by another when the latter directs him to his own good or to the common good and such government over man by man would have existed, for two reasons, in the state of innocence. First, because man is a naturally social animal; man even in the state of innocence would have lived in society. Social life among many could not exist, however, unless someone took the position of authority to direct them to the common good.<sup>1</sup>

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<sup>1</sup> William R. Cook and Ronald B. Herzman. The Medieval World View. (New York: Oxford University Press, 1983), 255, 256

Most important as well, is the concept of an authority to direct men for their own good and for the common good. Such a thought integrated Greek philosophy and paved the way for the modern state and the idea of the 'public good'.

Medieval Catholicism was able to integrate natural law through the analysis of Thomas Aquinas by connecting the concept to the eternal divine order of creation to the rational guidance of created things, called Eternal Law (Cook and Herzman,38,39).

"Supposing the world to be governed by divine Providence...it is clear that the whole community of the universe is governed by the divine reason. This rational guidance of created things on the part of God...we can call the Eternal Law.

[Now] since all things which are subject to divine Providence are measured and regulated by the Eternal law...it is clear that all things participate to some degree in the Eternal law, in so far as they derive from it certain inclinations to those actions aim which are proper to them.

But, of all others, rational creatures are subject to divine Providence in a very special way; being themselves made participators in Providence itself, in that they control their own actions and the actions of others. So they have a certain share in the divine reason itself, deriving therefrom a natural inclination to such actions and ends as are fitting. This participation in the Eternal law by rational creatures is called the Natural law."(Cook and Herzman,39)

Thomas Aquinas's writings had tremendous impact on medieval thought and influenced changes taking place. This new Christian rational concept later served as a basis for arguments against tribal societies. Because tribal

societies were interpreted as not rational, they not equal as human beings.

As a result of the changing Medieval society and the impending loss of theological power, natural law became secularized. Rationalism replaced Christian or theological thinking (Cook and Herzman,53,54). Emphasis to the individualistic principle marked by the idea of contract for interpretation of the relationship between the individual and the community created transformation of the whole social and political structure of Western civilization (Cook and Herzman,55). This was the notion of an agreement between individuals as the origin of civil society, not the origin of society (Cook and Herzman,55). It is also significant that the hierarchical structure of society was correlated to the Western world view.

### Tribal Society

The following describes the definition of tribal society. The definition is based on the work of Robert Redfield and Robert K. Thomas, both anthropologists and both interested in the thinking and behavior of human beings.

From the study of precivilized peoples, Robert Redfield constructed an ideal folk society and contrasted it with urban society. Later, a student of Redfield's, Robert K.

Thomas expanded the concept to an ideal tribal society and concentrated his studies on North American tribal people.

Robert Redfield had been concerned with the study of mankind, the thinking of man and particular the change from precivilization to civilization. Redfield found that from his study of primitive peoples, there appeared to be a number of commonalties. His article on folk society puts forth characteristics of different tribal and peasant societies based on different studies by students as well as his own. These characteristics were contrasted with modern urbanized society and constructed into an ideal folk society. A summarized definition of Redfield's folk society is the following:

"Such a society is small, isolated, non-literate, homogeneous with a strong sense of group solidarity, behavior is traditional, spontaneous, uncritical and personal. Kinship, its relationships and institutions are the type of categories of experience and the family group is the unit of action. The sacred prevails over the secular: the economy is one of status rather than of the market."

In the folk society construct Redfield continues to say that people know each other well, share similar experiences, have little communication with outsiders and some have lived together for time immemorial either in the same territory or moving about (Redfield, 295, 296).

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<sup>1</sup> Robert Redfield, The Folk Society (The American Journal of Sociology, Vol. LII, 1947), 293

Communication is only by the word of mouth, with the result that the elders know more and are respected for their knowledge and wisdom (297). Redfield builds on this oral communication factor to talk about what this further means to the people. He suggests that this creates the situation where everyone knows what one man knows and has similar beliefs (297).

Further, Redfield says that this goes beyond to establish a culture, an organization or integration of conventional understandings where people have an integrated whole system. Such a system provides for all the needs of the individuals and the society through the years and seasons (298).

The society is a sacred society. Custom, traditional acts, objects or institutions are not questioned (303). The people are not abstract in their thinking and live in a real world (300).

Division of labor is limited, save between the sexes. The ideal folk society is economically independent of all others (297). Folk society is a small community, homogeneous, isolated, self-sufficient and able to live in their own world (298).

As a whole way of life, this phenomenon means there is not a separation of life from the sacred to the secular.



The culture of the society is, therefore one of those wholes which is greater than its parts. Gaining a livelihood takes support from religion, and the relations of men to men are justified in the conceptions held of the supernatural world or in some other aspect of the culture. Life, for the member of the folk society, is not one activity and then another and different one; it is one large activity out of which one part may not be separated without affecting the rest (299).

This characteristic is important to understanding a major difference between folk and urban societies. Besides no separation between the natural and supernatural world, the whole way of life is not segmented into different spheres of life. The whole way of life is sacred. Since everyone has a direct relationship with the supernatural, there is no specialization of priests. There are no roles since it is a task oriented and traditional society.

A major characteristic is kinship and behavior. Since the folk society is small and kin related, all human beings are treated as persons, and not treated impersonally. The folk society is a familial society and the society is organized in terms of kinship rather than territory (301).

Robert K. Thomas's theories of tribal society and relational theory added to the 'folk society' of Robert Redfield.

"Tribal society is a normal condition of human existence and a base for human behavior. Human species emerged as a hunter and a kinsmen."<sup>1</sup>

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1. Lecture by Robert K. Thomas to Theories Class, American Indian Studies, University of Arizona, Spring Semester, 1990.

According to Thomas there are five major characteristics of North American tribal societies.<sup>1</sup> First, it is a group of people whose identities are formed by relations (1). These are kin relationships who have lived together in an unbroken line of descent. This characteristic has a number of implications to understanding tribal societies.

The only person that a tribal person saw in his community until very recently was a kinsman. What this means is that one lived in an intimate association throughout one's entire life with a very small number of people who had a specific, predictable, structure relationship to you (2).

The society consisted of a network of relationships among kin. It was not a structure social system of role interaction (2).

Relationships are mutual and personal. A personal relationship is one which is unique, familiar, wholistic, particular, emotive and definitive (2,3).

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<sup>1</sup> Robert K. Thomas, Mental Health: American Indian Tribal Societies, American Indian Families: Development Strategies and Community Health. Wayne Mitchell, editor. American Projects, Tempe, Arizona: Arizona State University, August/September 1982)1,2

Everyone knows each other as a whole person, who you are is given, you come true and there is no need to question your identity. Kin tell who you are. Since life is within this context as well as living in small communities for generations, behavior in getting along with relatives is important as well as keeping with tradition. Kin acts as the regulatory mechanism.

In tribal societies people first take on the task then the form of the organization emerges. Institutions as defined by Thomas, are those organizations a human community erects in order to do some task for itself (3). Institutions are build on kinship and emerge from task. A tribe can be organized in clans and group membership is based on descent through patrilineal or matrilineal lines. Kinship and descent therefore provides concept of self and peoplehood.

A second characteristic Thomas describes is that tribal societies are traditional societies and "traditional" is defined to mean a body of knowledge which has been accumulated over time by a social group and regulates life (5,6). This means that these small cohesive group of kinsmen are people governed by sacred tradition and authority is vested in tradition, not persons. Sacred tradition is found in the "Law" or "Way" of a North American tribe (6). Authority, therefore is traditional in North

American Indian tribes. The "Law" or "Way" for most tribes consist of their story of Creation, in how the people came to be and their certain laws given by the Creator to live in harmony with all of creation. Tradition is outside the person, similar to a person paying attention to relatives(6).

The third characteristic is that North American tribal societies are sacred societies (7). Tradition is sacredly sanctioned and tradition is sacred like everything else. Life is sacred (7). Moreover, people live in a sacred universe alive with spiritual beings and interaction is based on kin relationships. Everything in creation is alive with meaning, order, reciprocity, and it is moral (7).

Thomas's fourth characteristic is that tribal societies are responsive to the physical or natural environment (7,8). What this means is that particular tribes reflect certain natural environment as shown by the different housing styles, food, marriage customs and so, on (8). Social forms responsive to the natural environment are: matrilineal or patrilineal lineage which are dependent on tribal economies and environment (8).

The fifth characteristic is that such a society is closed and bounded by definition since people living in the small communities have common experiences. People come into

being relative to one another (8). Outsiders are considered strangers.

The tribal society's characteristic of being sacred allows for a framework to analyze what is happening in society. In comparison to urban society, tribal society is a whole way of life. Life is not separated from the sacred to the secular nor segmented into different spheres of social organization. Tradition is the authority and the community lives in a personal kin world, which is applied to the natural and supernatural world.

#### Comparative Analysis of Tribal Society & Egalitarianism

Major characteristics of tribal society include that it is a group of people whose identities are formed by relations. These are kinship relationships who have lived together in an unbroken line of descent. Tribal societies are traditional societies and "traditional" has been defined to mean a body of knowledge which has been accumulated over time and regulates life. Tribal societies are sacred and tradition is sacredly sanctioned like everything else. Such societies are responsive to their physical or natural environment and they are closed and bounded by definition.

From early documentation, Western intellectuals from city civilizations have deliberated as to what an ideal

world should be. Such thinkers used primitive, or precivilized society as a contrast to city state civilization for analysis and development of new theories.

Aristotle based Greek hierarchical society on the hierarchical order of the Greek gods and nature. He concluded that inequality was a fact and that cities are the symbol of civilization and man's progress.

Aristotle analyzed that the first household was formed out of the association by men with women and slaves. The next stage was the village, comprising of several households of sons and grandsons, and the final association is the city or state, formed of various villages. Moreover, Aristotle believed the city-state is the natural form of association. Since man achieved self-sufficiency, man could achieve the good life in the city state.<sup>1</sup>

Cicero, who developed the notion of natural law, based upon the common nature of men being "under God, one master, one ruler". He extended this to the notion of fundamental equality of all men; that all men have right reason. Cicero viewed equality as a moral requirement. Accordingly, unless a community has ethical purposes and held by moral ties, it is nothing.

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<sup>1</sup> Sinclair, T.A. translated with an introduction The Politics, Aristotle (New York: Pequin Books, 1962)I, 8, 27,28

Thomas Aquinas was able to integrate the re-discovered Greek thinking with Catholicism that man is seen as a rational political being, able to participate in natural law and politics of the state. This thinking reflected the change from a theocracy to a secular society.

Egalitarianism as a concept was developed from the city civilization. It reflects man's change from precivilization or primitive/tribal man to the city civilization. By using the characteristics of tribal society, a contrast is made with urban society. Major characteristics of tribal society and urban society are listed in the following chart.

#### Comparison

tribal	urban/civilized
1. group of people whose identities formed by kinship relationships in an unbroken line of descent	individuals separated from kin
2. traditional - authority vested in tradition	man-made laws
3. sacred - sacred universe alive with spiritual beings	secular - universe not alive
4. responsive to natural environment	exploit environment
5. closed & bounded - community of relatives - common experiences	open - individuals - different experiences

Since man leaves a tribal community of relatives and a sacred world in moving into a city, he experiences a life opposite to tribal life. Urban society is comprised of individuals, man-made laws, a secular world, exploitation of the environment and individuals of different life experiences. A comparison of the two concepts leads one to conclude that each is at one end of a scale of human development. Given this comparison, there are bound to be tension and conflicts between the two kinds of people.

The examination of egalitarianism requires recognition that the concept is within the context of a particular kind of society. From this framework, the concept can be used to the benefit of man and his societies. For example, as a man made law, egalitarianism needs to include the in-pur of tribal thinking. Tribal in-pur would involve the thinking that equality needs to be extended beyond human equality, that is, to the sacredness of all life; the animal, land, water, universe- man's total environment, all Creation.

Moreover, the relational theory by Robert K. Thomas takes on meaning and importance. Since it begins with the premise that "it is a characteristic of human beings to come into being relative to one another...", it offers a "normal condition and base for human behavior". More research and study are required on relational theory. One can begin to understand why people experience alienation in being



separated from kin relationships. In addition, identity and coming into being relative to kin has profound importance for the healthy survival of human beings.

This comparative analysis assists in understanding political development of tribal societies. In using these concepts, it can be analyzed that there will be conflict between a Western political process and a tribal society. A Western political system is founded on the separation of the sacred to the secular. In terms of contrasting the characteristics of a Western political system with tribal society, some aspects could mean the following. Secularization is the basis for the rights of the individual, as contrasted to the "way" or "law" of tradition and living relative to kin relationships; right to property, to living within a sacred world; and majority vote, to decisions based on sacred sanction.

Thus, concepts of egalitarianism and tribal society offer a more comprehensive analysis of man and his societies. Tribal society provides a framework to be able to gauge where man and his society is at. Besides egalitarianism offering a criticism of civilization, the advocacy for equality in all spheres of life takes on additional meaning. By including tribal society in a study of egalitarianism, segmented thinking is expanded to consider the sacred wholeness of creation.

## Comparison of World Views

The history of any idea originates in the ideology of a people. Ideology consists of the beliefs and values of a people. Thus, ideology is the fundamental foundation of a particular culture and society. Much Western discourse and debate has equality originating with views of the world as a whole.

## Creation

The medieval world view of Western civilization was paramount until the Reformation and contributed to the belief of a hierarchical order of creation and society.

The sense of an overpowering greatness of a single God, as with the Hebrews, may produce a sense that all men are equally his creatures.<sup>1</sup>

As Christianity developed these Judiac teachings were used by Saint Paul to mean universalness. Paul wrote to the Galatian Christians about A.D. 50:

There is neither Jews nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus." (Galations 3:28)(Wiener,140)

However, with the rise of the Roman Empire and the Roman Catholic Church this, 'one in Christ Jesus', became limited to only Christians.

<sup>1</sup> Philip P. Wiener Dictionary of the History of Ideas. (New York: Charles Scribner's Sons),138

The Christian view of creation as presented in the bible's Book of Genesis states that God was responsible for all that was created. This was in the order of the heavens, souls, earth and man. Man was created in the image of God and later God made a woman. When Adam disobeyed God, Adam brought sin and death to the world.<sup>1</sup> The Book of Genesis describes man's relationship with creation; that man has dominion over every living thing on earth. Besides defining a hierarchical creation, this also provided the rationale for the interpretation of superiority and dominion of man.

The concern about God creating man doomed, because of the sin of man, was later interpreted by St. Paul in the idea of predestination. Predestination meant that all men were not equal before God, that some were called for eternal life and others were damned (Hedger,732). This also supported the hierarchical order of medieval society.

In the later Middle Ages, Aristotle's writings presented different thoughts on the origin and creation of the world- that the world had no beginning. In the Summa contra Gentiles, Aquinas explains creation from the Christian thought and what has come to mean the hierarchical order of creation.

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<sup>1</sup> George A. Hedger, Western Civilization (New York: Doubleday, Doran & Company, Inc.),731

It is difficult to gather literature on early indigenous creation stories or world views. The following are reports on and by the indigenous people on their world views. These include: a Spanish account, the Hopi world view, and the Ojibway.

In a 1518 account of Las Casas, a meeting between Captain Grijalva and Indigenous people is reported. It describes protocol in meeting strangers and the willingness of the indigenous people to trade with the strangers. The recording also tells of their response to the mass.

First of all, there were white banners placed on the beach, as signs of peace and friendship.<sup>1</sup> It indicates that the people had protocol in meeting strangers.

Before reaching the captain they put their hands on the ground and kissed them, which must be a ceremony signifying peace and friendship and kind reception (Wagner,150).

After greetings, smoke was exchanged. This has been used with other indigenous peoples (Wagner,151,150).

Among other gifts, such as they are accustomed to make to their guests, as we have already had experience, they gave to each Spaniard a lit reed full of aromatic things very fragrant, like some paper 'mosquetes, through which you can draw in the smoke with the breath and it come out through the nostrils (Wagner,150).

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<sup>1</sup> Henry R. Wagner, translated by, The Discovery of New Spain In 1518 By Juan De Grijalva (Berkeley: The Cortes Society, 1942),151

Following this exchange the Spanish captain ordered their chaplain to say mass. While this was taking place, there was surprise by the Spaniards that the Indians were able to interpret it as a religious ceremony. The Spaniards were more surprised that the Indians readily involved themselves and made contributions to the mass. This indicates that the people were familiar in making an offering to the supernatural world.

When the 'cacique' (or lord) saw that this was a religious symbol (with the altar) and the ceremonies of divine worship, he had some braziers brought with live coals and put them in front of the altar and others roundabout or near it and threw in them some incense and some aromatics as they were accustomed to use in incensing and perfuming their idols, as these people of New Spain were the most religious that there have ever been among the natives who had no knowledge of the true God. He was astounded, and the Indians with him had their eyes fixed on the ceremonies of the mass, as among the Indians the greatest attention is paid to the actions and works they see us perform. When the mass was over the lord ordered food to be provided (Wagner, 151).

After the meal, the lord presented the captain gold and jewels with the captain giving him bits of clothing, material and trinkets. In seeing the gold, the Spaniards saw this as an opportunity to get rich fast, but not through trading, but through settlement.

The Spaniards saw signs from all this trade that there was a considerable quantity of gold in the country and since the people were so peaceful, frank and liberal, they concluded that there was a great opportunity to fill their pockets and become rich lords at so little cost...that they wanted to make a settlement (Wagner, 153).

In the 'Book of the Hopi', there is the belief that the Creator made spirit helpers, the universe and earth, vegetation, birds and animals and then man. They also believe that the Creator made four kinds of man in four kinds of colors; the yellow, red, white and black. Following the creation of man, female partners were made. It is also believed that the Creator gave laws to the four kinds of man to live in harmony with all creation. Since man was made last, man is like a younger brother to the rest of creation. The 'Book of the Hopi' also explains that man has survived three worlds which were destroyed first by fire, the second by ice and the third, by water.<sup>1</sup>

According to Dr. Dan Pine Sr., the grandson of Chief Shingwauk who had fasted ten times, the Ojibway or the Anishinaube had similar beliefs like the Hopi. Dan has said that the Creator made mankind to enjoy the beauty of his creation, to live in harmony with one another and all creation. All of creation is alive with a spirit and respected. The Ojibway also believed in the reincarnation of the spirit. Further, Dan said that the Creator has provided all things necessary for man's subsistence. In creation, no one is greater or less than another.

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<sup>1</sup> Frank Walters, Book of the Hopi. (New York: Ballantine Books Inc., 1963)

In another early account, another Algonquin elder was recorded as saying that the people knew about the Great Spirit.

We know, us savages, that the Great Spirit created man and that He gave him a soul so that he may acquire wisdom. We know that He gave him knowledge. We also know that He has created other spirits who are more knowledgeable than us, but are still inferior to Him.<sup>1</sup>

The Western concept of Creation differs from that of the indigenous people of North America in two ways; in terms of a hierarchical structure and one pair of human beings.

For the North American indigenous people, there was no hierarchical authority structure, except for the recognition of the supreme power of the Creator. The tribal concept of God for many tribes was that He is like a kind grandfather. By having God as a grandfather, tribes could have a kin relationship, not an authoritative subordinate relationship.

All creation was seen as equal in the sense that each is alive with a spirit. Moreover, each has a job to fulfill in order for a harmonious life to exist. Since man was a younger brother to all creation, man could not have dominion over creation. Further, since each element of creation has gifts to prolong life of man, each is equal and respected.

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<sup>1</sup> S.P. Petrone, Aboriginal Pre-Twentieth Century, A Collection. (Thunder Bay: Lakehead University, 1983)329

According to William Warren in his 'History of the Ojibway Indians', there was Indian resistance to the Western concept that one pair of human beings were made by God. William Warren attributes this to the difficulties in Christianizing the Indians.

One of the main difficulties in Christianizing the North American Indian and particularly the Ojibway people was the obstacle of the Christian belief that mankind sprung from one pair of human beings.<sup>1</sup>

After researching the creation stories of the Ojibwa, Christopher Vecsey concluded that there existed a hierarchy.

The worldview of the Creation Myth was one which did not make a sharp dichotomy between the orders of living beings. There was a hierarchy and interdependence within the universe, based on the amount and type of power possessed by individual person. A structural analysis shows a fundamental difference in the understanding between wolves and Nanabozho, but he needed the assistance of animals, birds and trees in defeating his adversaries.<sup>2</sup>

Although Vecsey mentions that the Ojibwe world view did not make a sharp dichotomy between the order of living beings, there is interpretation that the world view was hierarchical. Since hierarchy means subordination, such interpretation is contradictory to the interdependency between the spiritual beings.

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1 William Warren, History of the Ojibway Nation (Minneapolis: Ross & Haines, Ed., 1970, 1885)32

2 Christopher Vecsey, Traditional Ojibwa Religion and Its Historical Changes. (Philadelphia: The American Philosophical Society, 1983),92



The Middle Ages was a hierarchical society and reflects the world view. The overpowering Church came about as a result of the fall of the Roman Empire when the Church took on increased government functions. Thus, the Church became a political institution as well as a religious institution. Eventually, the Church asserted supremacy over the State and the princes were subject to the pope and accountable to him as trustees for the just rule of their subjects (Hedger, 225).

The Church was the servant of God, authority and mediator with God. More important as well was the influence of the Church over law and land. Roman law became canon law and was administered by the clergy in the courts of the Church (Hedger, 223). Thus, medieval civilization was a theocracy and the Church held supremacy over the state and was the authority over all activities of life.

In the Middle Ages, feudalism appeared due to local nobles organizing populations against attacks from bands of Germanic invaders (Hedger, 502). The nobility were a landed aristocracy and agriculture was the basis of feudalism (504). The serfs were not slaves, but they were attached to the land.

The hierarchical order of society and the Church reflected the supernatural and natural order of their medieval world view.

Western man and tribal man, both had a common idea of the existence of a God/Creator. Western man had a notion of original sin and that man was doomed. Tribal man had a belief in reincarnation and that the Creator made man to enjoy the beauty of his creation.

Although tribal and Western civilized man, both agreed God/Creator made the world and supernatural world, there were different views on the meaning of the hierarchical order of creation. Western man saw a separation of the supernatural world and that it had a hierarchical order. Tribal societies in the Americas saw no separation between the supernatural and natural world. Since people had a direct relationship with the supernatural, there were no hierarchical priesthoods.

A world view was reflected in society. This is evident in the social organizations of the two kinds of man. Western man had a hierarchical Church and society. Equality existed only in heaven. North American tribes had a society based on a group of relatives living together who had to get along with one another for their survival. Kin relationships existed with the supernatural world. All creation was sacred and respected. This world view was expressed in the early account of indigenous people understanding the religious ceremony of the mass and willing to participate.

## Equality

In the letter of March 14th, 1493, Christopher Columbus was impressed with the behavior of the Indigenous peoples. Contrasted to Columbus's environment of a hierarchical society, he notes that the indigenous King called him his brother, which would not take place in relationships in Spain.

The exhibit great love towards all others in preference to themselves; they also give objects of great value for trifles, and content themselves with little or nothing in return...these people are so amiable and friendly that even the King took pride in calling me his brother...<sup>1</sup>

Although this describes a specific incident, it is similar to other observations made in the different early records between the various tribes throughout the early discovery period.

According to the concept of tribal society, kin relationships were the pivotal norm of existence and relations with relatives were the basis of interaction. Since all creation was sacred, strangers would be considered sacred as well. Thus, interactions between the Indigenous and the West European would be based on relating to others in terms of kinship relationships and as spiritual beings.

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<sup>1</sup> Virgil J. Vogel, This Country Was Ours (New York: Harper & Row, Publishers, 1972), 34

In the third voyage of discovery made by Captaine Jacques Carter, 1540 unto the countrys of Canada, Hochelaga, and Saguenay, a description of greeting with the new "king" of Canada was recorded.

After which conference the said Agona took a piece of tanned leather of a yellow skin edged about with Esnouguy (which is their riches and the thing which they esteem most precious, as we esteem gold) which was upon his head in stead of a crown, and he put the same on the head of our Captaine, and took from his wrists two bracelets of Esnoguy, and put them upon the Captaines arms.<sup>1</sup>

This action would indicate that the indigenous leader accepted the Captaine as an equal and treated him in a kin manner. Such a recording is in keeping with the theory of tribal society and specifically, that tribal society is founded on kin relationships.

They set themselves up for brother of the King, and it is not expected that they will withdraw in the least from the whole farce. Gifts must be presented and speeches made to them, before they condescend to trade; this done, they must have the Tabagie, ie. the banquet...That is, that they are good friends, allies, associates, confederates and comrades of the King and of the French.<sup>2</sup>

In this comment made in the Jesuit Relations, there is an expression of surprise that the Indigenous people should claim that they are brothers of the King of France.

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1 Michel Bideaux, ed. Jacques Cartier - Relations (Montreal: Les Presses de l'Universite de Montreal, 1986) 238,239

2 Rubean Thwaites, ed. The Jesuit Relations and Allied Documents, (Cleveland: The Burrows Brothers Company, MDCCCXCVI, III, 81

By doing so, the Indigenous people expressed their concept of leadership and the relationship between a leader and a people. Such expression indicates their sense of equality between a leader and a people and not, an hierarchical rank order. Moreover, since tribal societies were organized on kin relationships, interaction between individuals is based on relatives relating to one another.

Early writings of European explorers on their contact with Indigenous peoples of North America are limited, but however, they reveal some of the tribal world view. Different cultural areas have been recognized; Mexico, north of Mexico to the 44th parallel, across the Appalachians, along the northern edge of the Great Lakes and over to the rockies and north of the 44th parallel.<sup>1</sup>

The border between hunters and gathers to the north and farmers to the south was not a rigid line following the 44th parallel; it was a wide transitional zone in which, as one moved southward, agriculture appeared and later full-fledged farming cultures (Krickenber,151). This division also meant a difference to material culture and social organization.

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<sup>1</sup> Walter Krickenber, Hermann Trimborn, Werner Muller, Otto Zerries, translated by Stanley Davis, Pre-Columbian American Religions (New York: Holt, Rinehart and Winston, 1969),149

According to Robert K. Thomas, south of the 44th parallel, there are found many cultural patterns similar to the Mexican civilization such as agricultural produce and social forms such as priesthoods, or a combination of a priesthood and shamans, complex ceremonials and beliefs of the supernatural. In the north the religion does not include a priesthood, but rather an individual is his/her own mediator with the supernatural world.

Early accounts and observations on the Indigenous people in the Americas support the thinking of Thomas. The 'Jesuit Relations' provide some insight into the behavior of the people of North America as well as reflecting similarities with indigenous people the Spaniards met.

In the sixteen hundred, the Jesuits described their meetings with North American tribes in which it was customary to hold feasts at meetings, trading or as other social expressions. Similar feasts were also held among the indigenous people who the Spaniards first met in the Americas. Thus, indigenous people in Central America and North America had common customs related to their sacred world view.

These Savages are extremely liberal toward each other; no one is willing to enjoy any good fortune by himself, but makes his friends sharers in the larger part of it; and whoever receives guests at what they call a Tabagie does not sit himself down with the other, but on them, and does not reserve any portion of the food for himself but distributes all;..And they have shown the same liberality toward the

French, when they have found them in distress. For they have learned from us that, toward other than these, whether here or in the ships, nothing is readily given away (Thwaites, II, 79).

Any meeting or trade exchange involved a sacred ceremony which demonstrates their sacred wholeness of life. In addition, it is notable that whoever enjoys good fortune, shares it with his relatives and friends. Moreover, the one who receives good fortune, receives the guests at the 'Tabagie' and not only serves the guests, but distributes all the food without keeping any for himself. It would seem that one who receives good fortune does not set himself above the people in a hierarchical fashion.

The view of leadership among North America tribal society is revealed in the following early account.

Their great Men, both Sachems and Captains, are generally poorer than the common people; for they affect to give away and distribute all the presents and plunder they get in their treaties or in war, for as to leave nothing to themselves.<sup>1</sup>

In a previous recording it was also observed that one who was giving a feast served everyone first, and then he ate. A leader was not superior to others, but rather it would seem that a leader was a servant of the people.

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<sup>1</sup> Cadwallader Colden, The History of the Five Nations (Toronto: Coles Publishing Company, 1972 e., 1747 in London by T. Osborne), 2

### Direct relationship with Supernatural

North American tribal societies had a direct relationship with the Creator. This was through dreams and fasting in which a person was given a guardian spirit. The spiritual world inter-mingled with life and assistance was given to the people. In Volume I of the Jesuit Relations 1610-13, the Jesuits recorded one their earliest comments on Indian religion. From their medieval church organization, the Jesuits interpreted that the indigenous had no system of religion.

There is among them no system of religion, or care for it. They honor a deity who has no definite character or regular code of worship. They perceive, however, through the twilight, as it were, that some deity does exist. What each boy sees in his dreams, when his reason begins to develop, is to him thereafter a deity,...They often derive their principles of life and action from dreams...(Thwaites, I,287).

Besides dreams, the Algonquin or Anishinaube fasted to obtain assistance from a guardian spirit or vision that guided a person throughout a life time. The Jesuit Relations makes reference to dreams and to people fasting from eight to ten days. Thus, it would seem that each could obtain their own vision and that this freedom to do so was encouraged.

The Indigenous people had a direct relationship with the supernatural world. Although, there was no priesthood hierarchy, there were some individuals (meta) who had



certain gifts for the benefit of their people. The following recording reveals how the people received knowledge about the religious. Learning or obtaining medicine were within the context of the religious. This is in keeping with the sacred wholeness of life where there is no categorical breakdown of life.

Their mode of conveying knowledge in regard to their religion and about the virtues of medicinal roots and plants, the one who is to receive knowledge pays by presenting some useful article to a noted meta. Then a small lodge is made (Petronne, 335).

During the conquest period, it is evident that the Indigenous people in the Americas had a religious sacred life, had a direct relationship with the supernatural and that the spiritual life was an integral part of daily life.

In Volume II, 1612-14, the Jesuits were impressed with the quality of life of the people. They were particularly amazed because the indigenous people did not require written laws nor enforcement measures to live in peaceful harmony.

They love justice and hate violence and robbery, a thing really remarkable in men who have neither laws nor magistrates; for, among them, each man is his own master and his own protector (Thwaites, II, 73).

### Strangers

Tribal societies had a way of responding to strangers. On an occasion, it was recorded that before indigenous

people attacked the Spaniards who were wanting to enter into their settlements, the people gave a warning to the Spaniards.

One of them carried something like a lit match and placed it on top of a stone speaking in his language, as if putting limit, as afterward appeared, within which if the Spaniards did not go away they would make war on them. The limit was until the fire should be put out or should burn out, and when this happened as they did not go away the Indians then attacked them with a great shout (Wagner, 144).

It would seem that the indigenous people has a protocol for making war with strangers and if they wanted strangers to keep away from their settlement.

In a number of recordings in meetings with the Indigenous peoples it was observed that the people did involve themselves into trade with outsiders. Trading exchange followed religious protocol and was in the context of the tribal sacred world view. The beliefs of the North American were applied to daily life and, based on their creation belief that all creation was sacred and thus, all equal. Therefore, the North American treated the West European man as an equal and as a brother.

In giving thanks to the Creator and the spirit world, it was believed that a feast was taking place in the other world at the same time, a communion. The indigenous feast offering is similar to the mass of the Roman Catholic Church; that it expresses a connection between the natural and supernatural world.

## Conclusions

During the discovery of the Americas, it is evident that the societies of the North American Indigenous people had characteristics of the tribal society as set out by Robert K. Thomas. They lived in a sacred world and treated all creation as equal. Human beings were related to as kin and there was the spirit of the equality of mankind as one. The sense of property was for the benefit of the people as a whole, not for one person to become rich. Equality was an egalitarian way of life of the North American Indigenous peoples.

In North America there was no universal authoritative church. Tribes had their own religious beliefs and organization, but there did exist a commonalty of living in a sacred world as indicated in feasts held in meetings or in conducting trade. West European's hierarchical view of the world and social organization was rooted from the interpretation of the creation of the universe and the hierarchical structure of the Roman Catholic Church. This hierarchical view had tremendous impact on the rest of society; as evident in their structure of feudal society.

In discussion of tribal societies, it is recognized that western thinkers or social scientists have taken the position that tribal societies are on a continuum of

development from tribal society to urban society or civilized. Although the city was the ultimate progress of man, Aristotle perceived economics from the simple state of different ways of obtaining food and categorized varieties of life into the nomads who move with their animals, the hunters who lives off their catch, agricultural who live off the earth and cultivated crops. These three types are self-maintaining or may be a combination, and who may trade or barter, but not money-making for the sake of unlimited accumulation of wealth for the pleasures of the body (Wagner, 39, 44).

According to Robert Redfield, social scientists have tended to view change in man from a technological perspective; food-producing, the urban and industrial.<sup>1</sup> A held concept is man's linear development from primitive to nonprimitive. Robert K. Thomas said that if it is true that human beings emerged as a hunter and a kinsmen, social scientists should not have used the individual and urban society conceptions to explain man, nor to establish laws, since these concepts are expressive of culture.<sup>2</sup>

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1 Robert Redfield The Primitive World and Its Transformations (New York: Cornell University Press, 1953), 5

2 From a lecture on relational theory by Robert K. Thomas, Theories Class, American Indian Studies, University of Arizona, Spring Semester, 1990

Although agriculture and animal husbandry brought about a major transformation leading to civilization, Redfield combined food-producing and the urban transformation as two parts of one great transformation.

To one interested in changes in human habits and capacities of mind, the urban revolution is the more important part, for it is with the coming of city life that we are able to see novel and transforming attitudes taken toward life and the universe (Redfield: *The Primitive World and Its Transformation*,5)

Redfield gives emphasis to city or urban life as a major transformation in the development of human beings. Thomas takes the view that major change is based on man's break with his kin since it is characteristic of human beings to come into being, relative to one another as opposed to animals.

Social scientists have viewed this change from tribal man to urban man as a major phenomenon in the history of mankind. This inquiry in part attempts to understand the challenges of the past which will assist in meeting the challenges of the present. Questions arise as to what would make tribal societies change from their small, cohesive, kin base and sacred communities to a life that was completely opposite to their life? Such questions are important as well to the study of mankind generally, the North American tribal societies, the West European and to their interaction.

The emergence of complex society , the most radical development in human evolution since the emergence of the family of man from ancestral apes some 15,000,000 years ago, is one of science's deepest mysteries. It must have been a response to the threat of extinction. Nothing less could have brought about the abandonment of a way of life that had endured for ages...The hunter-gathers' world had been a world of equals...of kinfolk.<sup>1</sup>

In comparison to urban society, tribal society is a whole way of life. Life is not separated from the sacred to the secular nor segmented into different spheres of social organization. Tradition is the authority and the community lives in a personal kin world, which is applied to the natural, supernatural world and all creation is equal. According to Redfield this is a common characteristic of most primitive or ancient world view, the mutual involvement of God and nature (Redfield,102).

Redfield theorized that change brought about two transformations. These two tremendous transformations in world view are: the one by the Hebrews who made God all important and other by the Greeks and modern man, made God unnecessary (102).

By considering present primitive world views, Redfield was able to analyze the world view of precivilized man. First, there is the unitary character of the cosmos-Man, Nature, God pervaded with sacredness and personal (104).

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<sup>1</sup> John E. Pfeiffer The Emergence of Society A Prehistory of the Establishment (New York: McGraw-Hill Book Company, 1977),20

A second follows the first, that since man is in nature, man does not confront, control, master or exploit nature, but rather there is mutual obligation to Not-Man to maintain a whole (105,106). Thirdly, Redfield points to the primary world view that Man and Not-Man are bound together in one moral order. The universe is not an indifferent system, but a system of moral consequence(106). Transformation from this primitive world view to modern society meant that these three characteristics have been weakened or disappeared (108). This transformation took place over considerable time and Redfield attributes the cause to separation among Man, Nature, God. Moreover, Redfield analyzed that the development of priestly specialists contributed to the transformation because earlier, everybody had a direct relationship with the Not-Man, were knowledgeable and were not reliant on a mediator or someone possessing sacred knowledge (109). Thus, man comes to stand aside and look at God-Nature, then, God-without-Nature of the Hebrews and then, at Nature-without-God (109). Without traditional authority, man was faced with the development of ideology or beliefs, law and institutions to keep social control and peace. Under tribal society, all creation was sacred, equal and a given order.

The concern for equality was raised in the time of the Greek philosophers and was later expressed during the Middle

Ages. Western civilization had grown to a hierarchical society, a theocracy and people were only equal before God, and later with predestination, certain people were damned, and therefore people were not equal before God. In addition, Augustine's concept of the state as a necessary result of sin meant that the state's main function was to police. This concept dominated the early Middle Ages (255).

Medieval civilization accepted the authority of the theologians on the interpretation of the Scriptures and this acceptance not only maintained the thinking of the hierarchical order of creation, but it also explained the hierarchical structure of the Roman Catholic Church and the feudal society. Although, many elements of the medieval world view have been rejected or were targets of reform, others have been integrated into the modern western civilization; such as, a hierarchical society and man's dominion over nature.

Although in the teaching of Jesus, all people were children of God and therefore equal before God, the Roman Catholic Church and Christian nobles took this to mean that everyone should be the same Christians as themselves. This sense of equality for sameness brought about the Inquisition, a court of inquiry which imposed the death penalty on thousands convicted of heresy. There was also excommunication, which outlawed the victim and the the



Crusade (Hedger,739). Thus, an emphasis was given to interpretation of equality and heightened inequalities of those who were not Christians and the idea of the Crusade came to be applied to wars within Europe itself, anti-Semitism wars, in international relations and to preach the gospel to the ends of the earth (Cook and Herzman). The Crusade provided experience for Western civilization to respond to the indigenous people of the Americas and carry out similar action.

At the time of conquest North American indigenous people were intact tribal societies. Geographically they were removed from the influence of Western civilization and today's societies still reveal the characteristics of the theory of tribal society.

The people lived in a real world and did not get into abstract thinking. Tradition included the ethics and law. The individual lived in a given and prescribed world. Their world was not segmented into different categories such as social, economic, political and the religious. It was a whole way of life and interaction with the sacred world of spiritual beings and the natural world was based on kinship relationships and interdependence. Human equality existed among those in leadership positions with the people and the indigenous people had a direct relationship with the supernatural with no reliance on a specialized priesthood.

Life therefore can be termed that it was a truly egalitarian way of life. Egalitarianism reflects the transformation from tribal society to city civilization and man's quest for an ethical existence through the removal of inequalities.

## CHAPTER 2

### APPLICATION OF EGALITARIAN POLICIES

#### IN THE CONQUEST POLICIES

The following chapter studies and analyses the development and application of egalitarian policies of Western civilization or the lack of such, in the conquest policies of the nation states of the Spanish, British and the United States. As indicated in the previous chapter, the notion of egalitarianism is reflective of the transformation from the state of tribal society to city civilization. Although there exists a common belief in an overpowering greatness of a single God, the tribal world view did not agree with Western man that such a belief creates a supernatural hierarchical order and moreover, that the natural order and society follow suit.

In the examination of the application of egalitarianism, this Eurocentric world view will be revealed in the policies of nation states and the dilemma of 'what ought to be and what is' will also be presented. In addition, the philosophical background is faced with the real world of Western civilization.

Tribal societies lived in a sacred world alive with spiritual beings as well as this world view was a whole way

of life, not segmented into difference spheres of living. Life was inter-related, inter-dependent and an egalitarian way of life. The transformation from tribal society to city civilization, as put forth by Robert Redfield and Robert K. Thomas meant that societies developed man-made laws to replace tradition or the Law or Way.

The period of contact reflects the struggle of the nation states to replace tradition with man-made laws and the application of egalitarianism as a struggle between national goals. The discovery of the Americas in 1492 was during the rise of the national states and the change from a theocracy to a secular democracy.

The rise of nation states also coincided with the development of colonialism and the quest for world trade and riches. In addition, the rediscovery of Greek and Roman political theories and law were being applied as a source for change from the Church's authoritative society as well as ways to meet the challenges of conflicting views and changes for a secular nation-state society. These changing forces taking place in the Middle Ages were on the eve of the Renaissance. Moreover, Roman Catholic Church views were also undergoing change to a humanism thought and during this time the Middle Ages were challenged to respond to the rights of non-Christians and infidels.

This was the environment and context of Western Europe at discovery of the Indigenous people of the Americas.

#### Historical Context

Western civilization had two views of people; one, civilized and the other, barbarians. Indigenous peoples of the Americas were viewed as barbarians or infidels, and as such were not seen as equals, but as inferiors. The treatment of infidels received considerable emphasis as a result of the Crusades in eastern Europe and the Middle East. Church debates and doctrines emerged on the rights of infidels which were applied in the Spanish policy on Indians of the Americas.

The Crusades had significant impact on the relations between Western Europe and the Americas. As a result of the Crusades in the Middle East an interest in trade and commerce was created, which provided an impetus for the exploration for new markets. Thus, the Crusades influence the discovery of the Americas in the search for shorter routes to the orient. The Crusades provided an experience for Europeans in dealing with people who were not the same as them. For example, the Crusades were used in the era of papal reform as disciplinary measures. In the outbreaks of anti-Semitism they were used to massacre the Jews throughout Europe, particularly in the Kingdom of Lorraine in the

twelfth century (Cook and Herzman,232,235,236). In the eleventh century, the Christian kingdoms in Spain had a holy war to remove the Moslems from the Iberian peninsula (223).

When the Church still had influence with the developing nation states, the Church provided a system for colonial expansion under the theory that princes were subject to the pope and accountable to him as trustees for the just rule of their subjects (Hedger,223).

Moreover, from the period of the Roman Empire, the Church administered cannon law which established modified Roman law as universal law in their courts system and served to exert the authority of the Church (Hedger,223). Although, monarchies of nation states established royal courts and revived Roman law, they still relied on authority of the pope to deal with international relations (Cook and Herzman,254,255,260). This was the historical environment in which papal bulls emerged to grant title of infidel lands to monarchs. Under the theocratic system the Church was able to obtain revenue from the taxing of the faithful (Hedger,225).

Rights of the indigenous people of the Americas did not begin with colonization. According to Robert Williams in his book,'The American Indian in Western Legal Thought', Indian policies and law were based on the treatment and rights of the infidel or barbarians. At the Constance

Council of 1414, Paulus Vladimiri, a respected cannon lawyer schooled in Aristotle and Aquinas asked the Council to adopt the Humanist inspired position outlined by Innocent IV in 'Quod super' that infidels possessed the same natural law rights as Christians.<sup>1</sup> All nations belonged to the Christ's flock. Therefore, the pope, and only the pope, could authorize Christian princes to invade infidel lands, to punish violations of natural law or to Christianize the people (Williams,65).

In 1417 a report was issued in which Vladimiri's Innocentian-inspired position was upheld (66). This, then legitimated the conquest of infidel people and their lands. Moreover, a provision was made for infidels to either accept Christianity or to risk conquest (67).

#### Rights of Indigenous People

Before the rights of the Indigenous peoples of the Americas were dealt with, the New World was already granted title by the Pope to Spain. The granted title by the Pople provided a basis for just title to the Americas and the doctrine of discovery.

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<sup>1</sup> Robert A. Williams, The American Indian in Western Legal Thought (New York: Oxford University Press, 1990), 64,65

The papal bulls of Pope Alexander VI issued in 1492 granted to the crown of Castile all islands and mainland found west and south of a fixed meridian toward the Indies. This was on the condition that they were not already possessed by another Christian prince. Later, in the papal bull of 1493, which gave to the kings of Castile dominion over the Indies, it imposed an additional condition, one supreme obligation: to spread the gospel and draw the pagans into the Church of Christ.<sup>1</sup>

However, although these papal bulls, disposed the lands of the Indigenous peoples in favour of the Spanish crown they were rejected by Spanish theologians and jurists, such as Bartolome Las Casas and Francisco de Vitoria. Later, however, they were accepted by Spanish writers (Harding, 43).

Las Casas and Vitoria, both confronted the unjust treatment of the Indians. They opposed the slavery of Indians and the death of millions of Indians. Even though the Spaniards had the right to trade with the Indians, the Spaniards wanted to get rich as quickly as possible and took any means to obtain the gold of the New World. They also wanted the free labour and land of the Indians.

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<sup>1</sup> C.H. Haring, The Spanish Empire In America (New York: Oxford University Press, 1947, 43



In 1532 de Vitoria who became a founder of international law delivered two lectures for Spain entitled "On the Indians Lately Discovered" (Williams,97). The treatise became underlying principles for policy and legislation. These five principles include:

1. Indians are not precluded from owning property, and they are therefore the true owners of the New World.
2. The Emperor was not lord of the whole world and therefore was not entitled to seize the provinces of the Indians, to put down their lords, to raise up new ones and to levy taxes.
3. Neither is the Pope the civil or temporal lord of the whole world. He can have no power over the dominions of the unbelievers and therefore cannot give such dominions to secular princes.
4. The Spaniards have the right to go to the lands of the Indians, dwell there and carry on trade, so long as they do no harm. The Spaniards were not to interfere in any way with the peace and welfare of the Indians, and if the Indians show hostility toward them and attempt to destroy them, then, and only then, will it be lawful to make war upon the Indians.
5. The Christians have the right to preach the gospel among the barbarians. The Pope has the right to entrust the conversion of the Indians to the Spaniards alone and forbid all other nations to preach or trade among them.

These five principles, as developed by Vitoria, are a milestone in Indian policy and rights. As such, greater examination of the principles are required.

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<sup>1</sup> Edward Spicer, A Short History Of The Indians Of The United States (New York: Van Nostrand Reinhold Company, 1969), 172,173

According to Robert Williams's in 'American Indian In Western Legal Thought' Victoria developed three fundamental arguments which were essentially accepted as the European Law of Nations on American Indian rights and status:

1. The inhabitants of the Americas possessed natural legal rights as free and rational people.
2. The pope's grant to Spain of title to the America was "baseless" and could not affect the inherent rights of the Indian inhabitants.
3. Transgressions of the universally binding norms of the Law of Nations by the Indian might serve to justify a Christian nation's conquest and colonial empire in the Americas (Williams,97).

Victoria was a lecturer on Thomas Aquinas and his concept of equality originating in natural law is in keeping with the thinking of Aquinas and Cicero. Moreover, according to Robert Williams, Vitoria was thoroughly medieval in his world view with a desire for a rationalized world order and was no radical proto-egalitarian seeking ultimately to free the Indian from Spanish Christian hegemony (Williams,97).

The significant aspects of the argument lay in that all individuals, (including the Indians of the Americas) although free, were subject to the binding norms of the Law of Nations, "which either is natural law or is derived from natural law" and that all civilized societies recognized a set body of natural-law rules binding their conduct in the international sphere (Williams,101).

In application, this meant that the Indians of the Americas were subject to the Eurocentric Law of Nations which included: nations have the right to travel, it is humane and correct to treat visitors well, and it is the right of nations to free and open commerce. Thus, Indians of the Americas were obligated to allow the Spanish into their lands and to allow their trade and commerce (101,102). Failure to do so would allow Spain to conduct a just war and allow Spain to reduce them to captivity, dispossess them of their goods and depose their lords and set up new ones(103).

In addition, Vitoria, besides upholding the authority of the papacy to grant Christian princes the responsibility to Christianize barbarous peoples under natural law, also, provided ground rights to Christians to travel, trade, and preach the gospel in barbarian land without first obtaining a papal license (104,105).

Although Vitoria attempted to provide a secular rational basis for the Law of Nations, it was still Medieval in world view, Eurocentric and Christocentric. It is paradoxal that the Indians of the Americans were free under the Law of Nations, but were prisoners under European domination sanctioned under legal discourse (105). Thus, Natural Law and Law of Nations emerged and were utilized in the colonization of the Americas. The man-made laws

supported goals of the nations and paved the way for colonialism and oppression of the Indigenous peoples.

A contributing factor for change in Spanish Indian policy was the 'Black Legend' written by Bartolome Las Casas in 1542 entitle 'A Very Brief Account of the Distruction of the Indies' in which he claimed that between fifteen and twenty million Indians had perished by Spanish hands. According to Las Casas, Spaniards were only interested in obtaining gold.

The reason why Christians have killed and destroyed such infinite numbers of souls is solely because they have made gold their ultimate aim, seeking to load themselves with riches in the shortest possible time.<sup>1</sup>

Such a claim was an embarrassment to Spain and since it was so controversial, attention was given for change in Indian policy. The survival of Indians and Christian beliefs as well as national economic goals were conflicting issues.

The revoking of the New Laws lead to the famous debates between Las Casas and Sepulveda between 1547-1550. Sepulveda had composed a treatise which sought to prove that wars against Indians were just and even necessary to their Christianization.

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<sup>1</sup> Brian Fagan M., Clash of Cultures (New York: W.H. Freeman and Company, 1984), 80

Sepulveda was a principal scholar of Aristotle's doctrine of natural slavery theory, that certain men are slaves by nature, and that this theory applied to the Indians of the Americans. Moreover, this theory was intended to be the basis of Spanish indigenous policy and substantiate that the wars against Indians were just.<sup>1</sup>

Las Casas responded to this racist thinking with fundamental principles of Natural Law and Law of Nations which today, make up international covenants.

...mankind is one, and all men are alike in that which concerns their creation and all natural things, and no one is born enlightened...

...the law of nations and natural law apply to Christian and gentile alike, and to all people of any sect, law, condition, or color without any distinction whatsoever.<sup>2</sup>

The doctrines of Las Casas and de Vitoria have been instrumental in establishing the rights of Indigenous peoples and the Law of Nations for standards for man to live by. Further, it must be recognized that the violence committed against the Indigenous peoples of the Americas lead to this early formation of fundamental human rights.

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1 Lewis Hanke, Aristotle And The American Indians A Study In Race Prejudice In The Modern World (Bloomington: Indian University Press, 1959), 30, 31

2 Howard Peckham and Charles Gibson, editors Attitudes of Colonial Powers Toward The American Indian (Salt Lake City: University of Utah Press, 1969), 11, 12

At the time of discovery, Spain was the most advanced in respect to a nation-state concept, political and social stability was required with religious solidarity necessary for war and exploration. Both Castile and Aragon had their own political and administrative apparatus, laws, parliaments and other institutions. In order to stabilize Castile from private wars of the nobles, Isabella and Ferdinand established unquestioned supremacy of the crown which affected the colonies in the Americas. Colonial legislation controlled as aspects of duties, rights and responsibilities of the colonists, the Indians and the officials set to rule over them (Harding, 4, 5, 6, 7, 109, 105).

Moreover, although importance has been given to Christianize the Indigenous in the Americas as a policy, consideration needs to be given to Spain's relationship with the infidels in the Iberian peninsula. Before the conquest of America, in the name of God and the Catholic Church, Spain, under Ferdinand and Isabella, drove the Moslems into North Africa. Such an experience of treating infidels as unequals must also have been an underlying view of Spaniards towards the indigenous people. Since the Middle Ages, a theocratic state, was undergoing changes to the secular nation state, Church law and policy were still followed by the nobles.

Although laws were enacted to do away with the encomienda system, pressures were mounted by colonists to rescind laws and revert back to the encomienda system in order for the colonists to keep Indian domestics and workers on the farms and in the mines. After all the lobbying and writing of Las Casas to achieve the New Laws, no substantive changes were made.

It is ironic that although the New Laws demonstrated the struggle for justice as well as the concern for the welfare of the Indians, the labour force importance of the Indians was not a weighting factor. According to Christopher Columbus the greatest resource of the new lands was the human resources.

The Indians of this island of Espanola are its riches, because they are the ones who dig and make the bread and other victuals of the Christians, and take out the gold of their mines, and do all the other tasks and labor of men and beast of burden.<sup>1</sup>

Because Las Casas was able to consider the natural condition of man, he gave fundamental importance to the material welfare of the Indians, who were threatened by human greed (Friede,179).

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<sup>1</sup> Juan Friede and Benjamin Keen, Batholome De Las Casas In History (DeKalb: Northern Illinois University, 1971),140,141

From this reasoning, Las Casas took the position that although the monarchs were obligated to supervise the spiritual welfare of the Indians, their primary concern should be that the Indians "increase and prosper physically and in all that relates to their temporal good"(Friede,179). Las Casas rejected the notion of "Better a Christian Indian, although dead" and defended the premise, "Better a live Indian, although a pagan" (Friede,28). Therefore he declared:

Were it possible for Your Majesty to lose all your royal dominion and the Indians never become Christians, if the contrary could not be achieved without the death and total destruction of the Indians, as has happened until now, it would be no loss if Your Majesty ceased to be their lord and they never became Christians...God does not want a gain achieved with so much loss...It would be a great disorder and a mortal sin to toss an infant into a well in order to baptize it and save its soul, if thereby it died (Friede,179).

Thus, Las Casas was concerned for the right to live and for Spain to meet the basic needs of the indigenous people, even at the hands of a conqueror. Las Casas also gave recognition to the right of self-determination of any peoples. He could not imagine God wanting to Christianize the Indians at so great a loss.

Besides the destruction of the people, Las Casas came to the conclusion that irreparable damage was done by destroying all the Indians' policies and modes of government. Further, Las Casas pointed that the laws and



customs were good which reflected the eternal law as reasoned by Cicero. His analysis also contributes to the right of self-determination as a divine right.

I pray Your Majesty that the said lords and caciques be not disturbed by the Spanish corregidores in the government of their towns and subjects, according to their laws and customs and modes of government when they are not contrary to our holy faith and to good and reasonable customs. For every people and nations finds pleasant and good its ancient manner of life and government and to be governed by persons it knows and of the same nature; and the contrary is painful, sad, and abhorrent. And this seems to be established by divine law on a foundation of natural law (Friede,342).

Las Casas was effective in recognizing the distinction between the interplay between man-made laws and natural law.<sup>1</sup> He has been a symbol of liberating struggles as result of his teachings concerning the unity of mankind, the principle of self-determination, and the right of men to basic and cultural needs (Friede,xi).

The doctrines of Las Casas and de Vitoria have been instrumental in establishing universal rights and to the Law of Nations. However, with the revoking of the New Laws, Western civilization demonstrated hypocrisy on the application of the natural law and the Law of Nations in respect to the denial of the rights of nations to the indigenous nations.

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<sup>1</sup> L.C. Green and Olive P. Dickason, The Law Of Nations And The New World (Edmonton: The University Of Alberta Press, 1989), 248.249

It would seem that in order to obtain excessive wealth from the Americas, the Western nations had to argue that the indigenous were inferior, that just wars were required to carry out trade and to Christianize the people. This racist policy is demonstrated in the violence committed against the Indigenous peoples of the Americas.

#### United States & Indigenous peoples of North America

British colonization differed from Spain since Britain entered colonial expansion after the Middle Ages when the Church was no longer a hierocratic authority and Britain had established itself as an independent nation state. The pursuit of worldly wealth was able to be more easily achieved under the Reformation without the controls of the Roman Catholic Church. British colonization as a result was more of a commercial venture with an interest in profit for shareholders of corporations (Williams,193).

In 1606, James I issued a royal charter to the Virginian Company, giving the company "licence to make habitation, plantation, and to deduce a colony of sundry of our people into that part of America, commonly call "Virginia...not now actually possessed by any Christian Prince or people"(201). The company also had goals to propagate the Christian religion to a People, who yet live

in Darkness, and to bring the prople civility, and to a settled and quiet Government (201).

British colonizing theory was predicated on the English Common-law presumption of the King's right to wage war against Infidels as outlined by Sir Edward Coke in his discussion on the 1608 case of Robert Calvin (199,200).

According to Chief Justice Coke all infidels in law are perpetual enemies and that once brought under subjection, the laws of the infidel are abrogated, for they are against Christianity, God and nature (200). Later, an English court would rule against Coke's position and attribute it to the "madness" of the crusades (200). This was the legal discourse for colonization by the British in North America.

The Corporation charter provided a basis of British colonial policy and settlement. The charter was administered in London and the King's Council directed the affairs of the corporation. Limited home-rule power was established and American colonists were granted normal rights and liberties of any English citizen (202).

During the sixteenth century, the writings and thinkings of John Locke made considerable impact on the settlement and political development of the colonies. Locke's writings are primarily noted for his concepts of natural law, property, majority rule and his analysis of political development beginning with his thoughts on man's

early society. In his different theories, Locke makes use of writings of the indigenous peoples of the Americas to support a thought or for comparison.

According to Locke, 'men by nature are all free, equal, independent and only by consent, is he subjected to the political power of another.<sup>1</sup>

Although Locke's writings were used in the revolution of the colonies from the British, it is ironical that such liberating thinking was not extended to the tribal nations. Today, plenary power of the U.S. Congress overpowers tribal nations and pre-emptes tribal institutions.

The only way whereby any one divests himself of his natural liberty, and puts on the bond of civil society is by agreeing with other men to join and unite into a community,...When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politick, wherein the majority have a right to act and conclude the rest (Locke, VIII, 95).

As families consented to continue together, Locke says that the next step was their set up of a ruler over them (VIII, 105). To substantiate this thinking, Locke makes reference to the people of the Americas.

Conformable hereunto we find the people of America, who (living out of the reach of the two great Empires of Peru and Mexico) enjoy'd their own natural freedom, though, caeteris paribus, they commonly prefer the heir of their deceased king; yet if they find him any way weak, or uncapable, they pass him by and set up the stoutest and bravest man for their ruler (VIII, 105).

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<sup>1</sup> John Locke Two Treatises of Government, Peter Laslett, ed. (New York: A Mentor Book, 1965), VII, 95

'Majority ~~have~~ a right' has come to mean 'individual vote' and ~~decision~~-making by the majority of individuals. For tribal ~~nations~~, this is contrary to decision-making by religious means ~~and~~ sanction, as well as decision-making by relatives and ~~consensus~~. Under the Indian Reorganization Act of 1934, ~~tribes~~ are obligated to establish constitutions approved by the ~~Secretary~~ of the Interior in which Western concepts of majority vote or republican form of government are qualifications ~~for~~ self-government.

Locke made reference to the Indigenous peoples of America that 'in the beginning all the world was America'(II,V 49). By this statement, he made certain assumptions about man's early society based on his European life experience. Although, he claimed that early man was in nature, his ~~statement~~ of 'making use of it' (world) indicates his ~~opinion~~ that man is outside of nature.

God, who hath given the World to Men in common, hath also given them reason to make use of it to best advantage of Life, and convenience (II,V,26).

Moreover, his concept that man by nature was productive resulted in his premise that man's labour, gave a right of property (II,V,45). Locke continued to stress that cultivation of land is for the benefit of mankind.

'Though men had a right to appropriate, by their labour, each one to himself, as much of the things of Nature, as he could use..that he who appropriates land to

himself by his labour, does not lessen but increase the common stock of mankind (II,V,37)'

Following this reasoning, Locke compares the benefit analysis of uncultivated land of America to Devonshire 'in the greater plenty of the conveniences of life' and concludes that American is waste land, and therefore one can also reach a conclusion that America, as a wasteland is not a benefit to mankind (II,V,37).

Correlated to productive man cultivating land for his use, is the concept of possession of property. This meant that any products of nature gathered became acquired property and whatever land was made use of became possession of land (II,V,38). Moreover, Locke emphasized the importance of labour in creating the value of cultivated land for useful products for the life of man. Based on this reasoning, Locke pointed to the Americas to demonstrate his point.

There cannot be a clearer demonstration of any thing, than several Nations of the Americans are of this, who are rich in land, and poor in all the comforts of life; whom nature having furnishes as liberally as any other people, with the materials of plenty, i.e. a fruitful soil, apt to produce in abundance, what might serve for food, payment, and delight; yet for want of improving it by labour, have not one hundredth part of the conveniences we enjoy: And a King of a large fruitful Territory there feeds, lodges, and is clad worse than a day labourer in England (II,V,41).

For Locke, the Indians were not productive even though they lived in a rich land, they were poor. He saw that the purpose in life was to cultivate the land and be productive.

According to Neal Wood, Locke is a "theorist" of early agrarian capitalism. Wood continues to say that Locke was not a thinker who articulated the interests and aspirations of a rudimentary mercantile and manufacturing bourgeoisie.<sup>1</sup> Basic changes were occurring in the social relations of English agricultural production, changes essential to agrarian capitalism (Wood,40). These included the agrarian organization triad- of landholder, tenant and laborer, wage relationship, and the concept of labour as a commodity (Wood,40,41).

Tribal society in North America, as indicated by Locke's reference to the Americas, did not share the same view as the West European that the land was a wasteland. According to Robert K. Thomas, the natural world was alive with spiritual beings and tribal societies related to the natural world in the form of kin relationships. Further, most tribes have creation stories reflecting that the natural world was sacred and made for man's sustenance. Tribal communities were self-sufficient and living in harmony with creation. Moreover, the difference in viewing nature and cultivating for wealth is also part of the ancient history of the West European.

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<sup>1</sup> Neal Wood, John Locke and Agrarian Capitalism (Berkeley: University of California Press, 1984), 13

It is interesting to reflect upon early Greek thinking in which Aristotle saw the progression of man from a hunter, herdsman to a farmer, merchant to a man of leisure, all within defined classes of society, but ultimately, living in a self-sufficient community. Cynic ethics derived self-sufficiency that the norm of life lies in 'conformity to nature' with no reliance on economic goods and pursuit.<sup>1</sup>

Although Locke favoured the capitalist spirit, Locke also saw that man had a right to live and that earth provides for mankind in common.

The Earth, and all that is therein, is given to Men for the support and Comfort of their being. And though all the fruits it naturally produces, and Beasts it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature; and no body has originally a private Dominion exclusive of the rest of Mankind, in any of them, as they are thus in their natural state: ...The fruit or venison, which nourishes the wild Indian, who knows no inclosure, and is still a tenant in common, must be his, and so his, ie. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his life (Locke, II, V, 26).

Locke's thinking, however is contradictory to colonial domination wherein the Indigenous people are dispossessed of their homeland. The issue of adequate land for subsistence is an on-going public debate even though it is in accordance with the principle of natural law that the earth was intended to provide for all mankind.

<sup>1</sup> Arthur O. Lovejoy and George Boas, Primitivism And Related Ideas In Antiquity (Baltimore: The Johns Hopkins Press, 1935), 118, 119



Moreover, as tribes claim continuous use and possession of land from time immemorial as a basis for title, this dates back to Roman times, when jurists considered it to be a self-evident truth of natural law (Green and Dickason, 249).

The foregoing covered the application of egalitarianism during the conquest period of the Americas by the nation states of the Spanish, British and the United States. This section will continue this study into the modern age with the focus on United States Indian policy and international policies.

#### Modern Age

Much political development has taken place since the discovery period by Western civilization. For example, the United States, as a country is viewed as a leading egalitarian state. However, at the same time the indigenous tribes still lack the right of self-determination to develop their own political structures and processes.

For the most part, contradictory policies of Western political theories and colonialism are used as forms for assimilation to modernize tribal nations. For example, political equality has taken to mean that all men are given an undifferentiated opportunity to participate in politics,

with such rights as an equal vote and an equal chance to compete for public office.<sup>1</sup> Further, there is always much debate on the application of political equality, given the reality of the concentration of power of elites who have a controlling factor in all spheres of society; business, government, education and bureaucracies.

Moreover, imagery of democracy like all social myths serve to legitimate in symbolic forms. The concern for political equality has risen throughout the history of Western civilization, from the view of Aristotle's society of unequals, to Cicero's that all men are equal, to parliamentary forms of government, to the Declaration of Independence of the United States and to modern times. In the Middle Ages, princes or the aristocracy found support for change through Aristotle's thinking that man by nature is a political animal, equipped with reason to organize his society. Although, the meaning of the state became a creative institution, national goals for the accumulation of wealth hindered the extension of democratic ideals to the indigenous nations. Moreover, racism and colonialism interfered with the right of self-determination and political development. Colonial policies of civilizing the Indians continue today.

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<sup>1</sup> J. Roland Penncock and John W. Chapman. Equality (New York: Atherton Press, 1967), 218

The conquest of the Americas had tremendous influence on colonial policies of the United States. This is demonstrated in the Northwest Ordinance of 1787 which stated that utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in the property rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress. However, the manifest destiny of the United States escalated westward expansion to become rich in the new land of opportunity.

As a result of expansion, the issue of U.S. relations with Indians came to a head and a number of Indian tribes were faced with forced removal from their lands. In the 1823 case of Johnson v. McIntosh on the issue of tribes having the authority to give or sell their lands, Chief Justice Marshall made reference to the doctrine of discovery and further, that the United States policy was just following principles of the Law of Nations. This decision forms much of the foundation of federal Indian law and indicates the attempt to fit Indians in the U.S. system of law and politics. Since the United States was simply following the practice of other European countries claiming North America, Marshall decided that the United States was acting in accordance to the Law of Nations.

It has been the uniform practice of the United States, and of all European powers, claiming possessions on this continent to assert their sovereignty over such Indian tribes as resided within their respective limits; and in this, they have only acted in accordance with the principles, of the Laws of Nations: it is wholly impossible to embrace them in the family of National Governments either on the ground of right of domain, or of empire.<sup>1</sup>

Johnson v. McIntosh also maintained that discovery gave the exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest and the rights to complete sovereignty as independent nations were necessarily diminished.<sup>1</sup> Indian inhabitants are to be considered merely occupants or if tribal property interest is recognized by treaty or congressional action (Getches and Wilkinson, 41, 42). Moreover according to the judgement, Chief Justice Marshall stated it was not for the Courts to question the validity of this title. Therefore, the resolution of tribal issues rests on political negotiations.

Indigenous tribes of the United States are one of the most regulated and controlled peoples in the world and this is evident in the plenary power of Congress over tribal nations. Such action does not allow the tribal nations the right of self-determination, and to establish their own form of government, make their own laws and community decisions.

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<sup>1</sup> Vine Deloria Jr., Of Utmost Good Faith (San Francisco: Straight Arrow Books, 1971), 9, 10

<sup>2</sup> David H. Getches and Charles F. Wilkinson, Federal Indian Law (St. Paul: West Publishing Co., 1986), 40

The 1887 Dawes Act gave formal approval to the U.S. policy of assimilation. It provided for reservations to be divided into individual allotments in order to promote individual responsibility for their individually owned lots.<sup>1</sup> The allotment demonstrates the assimilation policy and the promotion of the Western concept of individual property. However, the allotment policy was a failure. In the legislation of the 1934 Indian Reorganization Act, although the act stopped the policy of allotment of Indian land, it granted self-government if tribes followed Western and republican forms of government (Dippie, 318). Today, the majority of Indian tribes are faced with Western forms of governments which conflict with tribal norms as well as being under a colonial system which is anti-democratic or against political equality.

Although standards of law exist, nation states do not apply them to the Indigenous peoples of the Americas. Such a situation reflects the progress of Western civilization. Racism continues to exist in the policies of nation states as well as in the international area. The international human right of self-determination is not applied to Indigenous peoples globally.

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<sup>1</sup> Brian W. Dippie, The Vanishing American White Attitudes and U.S. Indian Policy (Middletown: Wesleyan University Press, 1982), 161

In modern history, the First World War brought the principle of self-determination into international politics: it was referred to as the war of self-determination.<sup>1</sup> In 1919, according to President Wilson, U.S. participation in the war was based on the defense of the right of self-determination and that such action was in the spirit of American anticolonial tradition dating back to the war of independence (Sud,13). Although the great world powers had this initial desire to make decolonization and self-determination important priorities, they changed their thinking. Self-determination came to be considered from economic interests, historic rights and national security since these nation states had colonized people and resources (Sud,21,22,23). Granting the right of self-determination to their colonized peoples would affect the wealth of their country.

Decolonization and the right of self-determination has been closely linked in the history of the United Nations. After World War II, pressure was brought to bear on the recognition of the right of self-determination of colonized nations.

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<sup>1</sup> Usha Sud, Decolonization To World Order International Organization and the emerging Pattern of Global Interdependence, (New Delhi: National Publishing House, 1983),11

Since there were millions of non-self-governing people, this presented an on-going threat to peace and stability. As a result, a declaration on the right of self-determination was made by the United States and Great Britain in the Atlantic Charter signed in 1941. It declared that,

the United States and Great Britain respected the right of all peoples to choose the form of Government under which they desired to live.(Sud,60)

Decolonization, for the most part, has resulted from revolutions or when colonies were no longer paying or profitable. Indigenous peoples globally have not been recognized as having a right to self-determination.

The right of self-determination of Indigenous peoples of the Americas have been denied through out international debate by disallowing decolonization and legal stoppage through classification of Indigenous peoples as "indigenous populations" which leave the people with no status under international nations.

Under the U.N.'s decolonization process after world War II, Indigenous peoples were not included since the process was limited and hindered by the developed countries. Later, the Human Rights Commission was created to deal with human rights questions and later, a Sub-Commission was established to deal with the prevention of discrimination and protection of minorities. The issue of minorities was also a source of

tension in the various countries. Member nations were anxious about their own relations with minorities which impacted on their stability and economic well-being.

The concern shown by the Sub-Commission towards minority problems in the early years were disliked by the political bodies of the United Nations. The main fear was that the advancement of minority rights might undermine the territorial integrity of states.<sup>1</sup>

The Sub-Commission was instrumental in establishing Article 27 of the International Covenant on Civil and Political Rights and after their adoption in 1966, the Sub-Commission was able to deal with minorities. However, it must be noted that Article 27 deals with individual rights of a person and not a collective right. During a study on persons belonging to ethnic, religious, and linguistic minorities, it was accepted by the Sub-Committee that the problem of discrimination of Indigenous populations receive special attention. In 1982 a resolution was adopted by the Economic and Social Council asking the Sub-Commission to set up a special working group on Indigenous populations with certain mandated objectives:

to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of Indigenous populations...and to give special attention to the evolution of standards concerning the rights of the Indigenous populations (Brosted and Dahl, 202)

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<sup>1</sup> Jens Brosted, J. Dahl, editors Native Power, (Bergens: Universitetsforlaget As, 1985), 201



Although it cannot function as a tribunal or a chamber of complaints, it can assess evidence in connection with allegations of violations brought before it. One reason that it cannot handle complaints is that rights of the Indigenous populations are too vague and this was the reason why the Working Group on Indigenous Peoples was requested to draft a Declaration of Rights of Indigenous Peoples. The Working Groups consists of five members of the Sub-Commission which is a normal rule with representation from the regions. Their process is consultation with Indigenous populations as well as having Indigenous observers at their meetings.

### Conclusions

In summary, the discovery of the Americas and colonialism were major contributing factors for the establishment of Law of Nations. However, natural law and the Law of Nations were not upheld in respect to the indigenous people of the Americas. With the break from the medieval world view and theocratic society, Western man no longer needed religious sanction and ethics became man-made laws which ultimately gave rapid development to capitalism.

Under Spain, the Law of Nations came into being, and under the British, Locke paved the way for agrarian capitalism in the New World and democratic forms of

government. The notion of American manifest destiny demonstrated the influence of Locke, to expand westward and to cultivate all lands. Later, colonists in Spanish colonies and British colonies found their hierarchical colonial political system not conducive to their accumulation of wealth. European interference and control hindered getting rich and in the revolutions in the United States and Mexico, both had economic self-interests as underlying motives. It is ironical that the quest for liberation has not been extended to the indigenous people and that tribal nations have been denied the right of self-determination.

In consideration of the fact that powerful states not only control Indigenous homelands and these international inter-governmental mechanisms, it would seem that there is little hope for realization of justice for Indigenous peoples, nor the right of self-determination. At times like this, from time to time, Indian elders have reminded the people of their relationship with the Creator and all Creation. According to Robert K. Thomas, although policies in general have increased the material powerlessness of Indians, the Indianness of their communities persists, and many Indians still hold the traditional view that real power is not material power (Brosted, and Dahl, 304).

In an analysis of new developments facing Indigenous peoples, normative power of Indigenous peoples were examined and have been interpreted to mean on-going true self-determination.

Lack of formal international standards will neither deter indigenous communities from adopting creative solutions to needs irrespective of the vagaries of international legal developments nor provide excuse for unresponsive state governments to claim unjustifiably that yielding to indigenous demands would be the beginning of the end of state sovereignty.<sup>1</sup>

From a panorama of the Indian life situation- from a history of white racist policies to the same contemporary situation, there is still the same underlying motives for economic gain and wealth from the land and resources of the Indigenous peoples. According to Robert Williams, "tribalism is a threat to American society and American society attacks tribalism." Yet, a constant factor over the span of time is the presence of the concept of Indigenous spiritual sovereignty and the interpretation of law as sacred. These tribal concepts have survived and are the major differences between Western man and tribal man. The tribal concept of law does not require man to put law into words, because it is between man and the Creator.

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<sup>1</sup> Hurst Hannum, "New Developments In Indigenous Rights", Virginia Journal Of International Law (Vol.28, No. 3, Spring 1988), 678

### CHAPTER 3

#### CONCLUSIONS

Since the discovery of the Americans, indigenous people continue to have a contradictory experience of egalitarianism. Although certain philosophical elements of the concept of egalitarianism were shared by the indigenous people of the Americas and Western civilization, Western nations oppressed indigenous peoples through egalitarian policies.

Early Western thinking on the concept of one God was similar to North American tribal societies. The tribal sacred world of spiritual beings creating equality of all creation was similar to the thinking of Cicero that a bond existed among human beings because they were created by God. This thinking was also similar to the doctrine of Las Casas that all mankind is one.

However, the Law of Nations was used to oppress indigenous peoples through the doctrine of discovery. From discovery to modern Indian law and policy of nation states, indigenous people have been denied the right of self-determination.

Since human beings express themselves from their experience, socialization and environment, it must be

concluded that this also includes theories and law. This inquiry into egalitarianism tells a story of the on-going human struggle between ideals and reality; the world views of tribal man and civilized man as well as Natural Law and Law of Nations.

The tribal societies of North America have not been fully assimilated into the dominant civilization and as a result, studies on the Indigenous peoples of North America as tribal societies have been able to contribute to the understanding of pre-civilized man. By using tribal society as a theoretical model for analysis, contrast is made between tribal society to city civilization in which the tribal world view of tradition is replaced in the city civilization with laws and ideals. Therefore, it can be argued that the need for man made ideals, such as egalitarianism and laws resulted from the transformation from tribal society.

The notion of egalitarianism stems from Western advocacy for equality from the city state civilization with its hierarchical structure and inequality of human beings. Tribal societies lived in a world based on kin relations with the natural, sacred world and tradition provided a given world with no need for manmade laws. There existed a group solidarity which still is found today.

The change from the pre-civilized to the civilized involves the separation of the individual from kin. In today's modern society individualism is the basis of relationships as demonstrated in individual property ownership, majority vote and the nuclear family. As contrasted to tribal society, there is the communal land ownership, consensus and extended community family relationship of tribal societies.

In examining the question of civilizing Indians and why Indians did not accept the citizenship offered by Spain, Mexico, and the United States, Edward Spicer states that a tremendous change was expected from Indians. Spicer refers to Sir Henry Main who qualified the change as the most crucial in the growth of civilization- the shift from a family and kinship dominated society to the impersonally organized state with its legions of kin-detached citizens.

As Maine knew this shift in the basis of societies was nowhere accomplished as a sudden and single step. Moreover, at the time of conquest the nations of Europe were built on the idea of citizenship and this way of behaving was totally new to the Indians.<sup>1</sup>

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<sup>1</sup> Edward Spicer, Cycles of Conquest (Tucson: The University of Arizona Press, 1962), 372

According to Robert K. Thomas, civilization was built upon the slow incorporation of tribal groups. He points out that the most important difference of early incorporation to today's process is that those civilizations were agriculturally based which could incorporate groups. This differs with modern civilization which require immediate incorporation and individual assimilation.<sup>1</sup>

Due to the inequalities perpetuated by Western man, the tribal societies of the Americas were not allowed to participate as nations within international relations. Moreover, the economic goals of European nation states hindered political, social and economic participation.

In addition, this was compounded with colonialism and bureaucratic control over the tribal people in the Americas. The colonialism system of the United States, which appointed a bureaucracy over Indians, failed to bring about acceptance of European culture and integration into their tribal societies. Only legitimated coercion and tension have been the experience.<sup>2</sup>

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<sup>1</sup> Robert K. Thomas, "Pan-Indianism," The Emergent Native Americans, Deward E. Walker, Jr., ed. (Little, Brown and Co., 1972) 739-746

<sup>2</sup> Robert K. Thomas, "Powerless Politics," Majority And Minority: The Dynamics of Racial and Ethnic Relations, Norman R. Yetman and C. Roy Steel, eds. (Allyn and Bacon, Inc., 1971)

At ~~the~~ time of discovery Western civilization broke away from the Dark Ages and created the Dark Ages for Indigenous peoples of the Americas. The racist policies and greed as ~~n~~ational goals overpowered natural law over four hundred ~~year~~s ago and continue today. Equality has been a struggle between the accumulation of wealth versus civilization meeting basic human needs and having ethical purposes. Egalitarianism has been an ideal from early Western civilization to the present and it continues to be part of ~~the~~ struggle to deal with the distribution of power, wealth and resources of the world civilization.

In world history, tribal man has survived over the millennium of time. According to Robert K. Thomas, tribal society is a normal human condition and a base for human behavior. If this is true, social scientists should not have used the individual and urban society concepts to explain man, nor to establish laws, since concepts are expressions of culture. This is evident in the problem of alienation of modern society which results from a high degree of individuation which damages individuals and society. The relational theory of Robert K. Thomas concludes that it is the nature of man to come into being relative to your relatives. Colonialism has allowed tribal societies to survive and man's normal condition to continue in a world of secularism, individualism and decay.



With the changing Medieval society and the impending loss of theological power, natural law became secularized. Rationalism replaced Christian or theological thinking. Emphasis to the individualistic principle marked by the idea of contract for interpretation of the relationship between the individual and the community created transformation of the whole social and political structure of Western civilization. This was the notion of an agreement between individuals as the origin of civil society, not the origin of society.

Reaction against Natural Law- against rationalism, universalness and individualism emerged in the development of the School of Historical Law in Germany.<sup>1</sup> This development is worthy of study since it expresses self-determination to build on one's own unique cultural history and it is movement that indigenous people can consider in their on-going process of development. The German movement can be traced to 1770 on philosophy of the folk as expressed by Herder (Gierke, 11). The German thinking viewed law as the product of each nation and of the national genius. This view led early German thinkers to turn inward to their own indigenous German people (11).

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<sup>1</sup> Otto Gierke, Natural Law And The Theory Of Society 1500 to 1800 (Boston: Beacon Press, 1957), 1

As a result there developed the concept of the folk-soul and later Hegel and the Hegelians took the Folk into their philosophy. Folk becomes a Mind- and not only a Mind, but also an incarnation of the Eternal Mind (lii).

In its eternal process, the Eternal Mind incorporates itself in folk-minds, which are the inceptions of God in time and space, and indeed are God, as He operates within the limits of Here and Now. They are therefore divine; and because they are divine they cover every range of life, and they are also final and right, within their space and time, for all that they cover (Gierke, liii).

German thinking continued that Folk becomes organized in the State, and the Folk attains the highest synthesis of all its faculties. Moreover, the 'Morality' of the State's individual members is reconciled with the formal system of 'Law' to meet the needs of a common economic society (liiii).

Tribal identity has survived in the United States against all odds and contradictory to standards of the dominant society. This is indicated in the process of decision-making of tribes in the form of consensus, the still important factor of kinship relations as the tribe is a familial society, communal concept of property and normative power. A constant factor over the span of time is the presence of the concept of Indigenous spiritual sovereignty and the interpretation of law as sacred. These tribal concepts have survived and are the major differences between Western man and tribal man. The tribal concept of

law does not ~~require~~ man to put law into words, because it is between man ~~and~~ the Creator.

This thesis demonstrates my hypothesis to be true that since discovery ~~of~~ the Americas, indigenous people continue to have a ~~contradictory~~ experience of egalitarianism. Although certain ~~in~~ elements of the concept of egalitarianism were common to ~~thinking~~ of indigenous people and Western man, Western ~~nations~~ oppressed indigenous people through egalitarian policies.

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