

A Blind Spot for U.S. Indigenous Peoples' Collectivism

By Arnold August, October 2011

The U.S. Constitution is heavily slanted both in content and in the relative importance allotted to the division of powers between the executive, legislature and judiciary, based on Charles Montesquieu's theory of checks and balances. Montesquieu, an admirer of John Locke's liberalism, developed his thesis that the three sorts of power (executive, legislative and judicial) must be separate: "When legislative power is united with executive power ... there is no liberty.... Nor is there liberty if the power of judging is not separate from legislative power and from executive power."¹ These concepts displace other content that would foster democracy in the U.S.

The Constitution and the procedures leading up to its adoption point to a society based on extreme individualism founded on private property as the basis of liberalism, with the role of the state coming into play to assure its success. The importance to be found in a "more perfect union" as the very first term in the preamble was — and is still — a concern: the role of the states in relation to the central government. The extreme individualism to be found in U.S. liberalism is reflected in a "collective" way by each state jealously protecting its individual state interests.

U.S. academic anthropologist Jack Weatherford's work highlights in details all the positive features of the Indigenous peoples in the U.S. during the early colonial period, including before the drafting of the Constitution. He outlines how even the Founding Fathers were aware of their admirable traits, such as their abhorrence of private property, the emphasis on collectivism tempered by respectful individualism, equality and deference for nature and the environment. Many of these values were already studied and depicted by Rousseau, whom the author quotes at length. One of the features highlighted by Weatherford on the political plan is the Indigenous peoples' experience with federations.

The Founding Fathers faced a major problem when it came time to invent the United States. They represented [before the new Constitution] thirteen separate and sovereign states. How could one country be made from all thirteen without each one yielding its own power? Reportedly, the first person to propose a union of all the colonies and to propose a federal model for it was the Iroquois chief

Canassatego, speaking at an Indian-British assembly in Pennsylvania in July 1774.... He suggested that they [the colonies] do so as his people had done and form a union like the League of the Iroquois.... Benjamin Franklin [one of the main Founding Fathers] ... advocated that the new American government incorporate many of the same features as the government of the Iroquois.²

It is noteworthy that the Founding Fathers ignored all of the Indigenous features based on collectivism and, instead, concentrated on the Thirteen Colonies' main preoccupation, namely how to adapt the colonies to the Indigenous experience with a federal union, or a "more perfect union," in order to resolve conflicts among individual proprietors and their respective states.

This preoccupation for "a more perfect union" was well founded. Right after the Constitution was adopted in 1787, twelve amendments, known as the Bill of Rights, were added to the Constitution in 1791, one of which directly dealt with the rights of the states (Amendment 10). Others, such as freedom of speech and the press (Amendment 1) and the right to bear arms (Amendment 2), are not "state rights" issues as such. However, they are in fact directly tied to the ongoing current conflict between the states and the federal government.

The most serious outbreak with regards to building "a more perfect union" was the Civil War, which broke out in 1861 and lasted until 1865, after the expansion of the original Thirteen Colonies toward the south and west. Eleven southern slave states (Confederate States of America) declared their secession from the U.S. in order to support slavery, while the north, led by Abraham Lincoln, for their own reasons, opposed it.

¹ Montesquieu, Charles. 1995. In Anne Cohler, Basia Miller and Harold Stone (eds.), *The Spirit of the Laws*. NY: Cambridge University Press, p. 156-57.

² Weatherford, Jack. 1988. *Indian Givers: How the Indians of the Americas Transformed the World*. NY: Ballantine Books, p. 117-31, 135-36.