

Indigenous Politics of Resistance: An Introduction

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“To be Indigenous means that the project of the nation-state did not triumph [...], that there is not one single territory, not one single language, not one single citizenship.”

(Gladys Tzul Tzul, 2015)¹

Indigenous peoples breathe diversity. There are over five thousand peoples that speak thousands of languages in different cultural and spiritual systems – about 370 million individuals in ninety countries. Yet the radical diversity of Indigenous peoples lies beyond their own pluralism. Maya scholar Gladys Tzul Tzul reminds us that Indigenous peoples are evidence that the nation state did not triumph despite its efforts to impose one political logic, that there is not one single citizenship or social contract. Indigenous politics transcend the nation-state, and their resistance expands the political imagination beyond the modern state. Indigenous resistance is, in the words of Anishinaabe scholar-artist Leanne Simpson (2017, 10), “a radical and complete overturning of the nation-state’s political formations.”

The terminology referring to Indigenous peoples can be confusing – Indian, First Nations, Tribal, Native, Indigenous and Orinary peoples. There are many words to refer to Indigenous peoples because their experiences are testimony to many colonial processes leading to state-making. The different terms express a plurality of power relations across colonial experiences. Official understandings have varied over time as states change

definitions through legislation, blood quantum, and census depending on its interest to erase, regulate, or displace indigenous presence (Kauanui 2008). Indigenous belonging is contested in the so-called new world, but the concept is fuzzier in regions that did not experience large amounts of European settler immigration, like Asia (Baird 2016). Many Asian states recognize indigenous peoples with the understanding that they inhabit other regions. The concept is fluid, contested and heterogeneous because Indigenous peoples are as diverse as the processes of colonization they continue to endure.

Already in the sixteenth-century, Indian emerged as an all-encompassing category referring to non-European peoples from the Indies, East and West, constructed as Europe’s homogenous other (Seth 2010). To conflate vastly distinct peoples in a homogenizing legal status was an act of colonial governance (Van Deusen 2015). The term refers to a historical process rather than an essential nature. Indigenousness refers less to a constitutive who/what than to the otherness implied by it (Canessa 2012). Cree and Cherokee scholars Taiaiake Alfred and Jeff Corntassell (2005) explain being indigenous today as inhabiting lands in contrast to and in contention with the colonial states that spread out of Europe. They define indigeness as an oppositional identity linked to the consciousness of struggle against dispossession in the era of contemporary subtler forms of colonialism. It is a belonging fueled by contention with colonial states, energized by the priorities of each new generation, and elaborated in a plurality of communities with local agendas. Though local and

¹ Gladys Tzul-Tzul is a Maya intellectual from Guatemala (Capiberibe and Bonilla 2015, 1).

heterogeneous, Indigenous politics are marked by oppositional identity and internal pluralism worldwide.

Indigenous peoples still stand in defense of their lands, relationships and lifeways: “as they have always done” (Simpson 2017). They continue to resist predatory states and extractive industries invading their territories. Resistance ranges from legal struggles to language revitalization, it is place-based yet engages in international diplomacy. It takes the form of public mobilizations or invisible intimacies. Continuing resistance reveals the ongoing dispossession of Indigenous peoples. Settler colonial studies established that colonialism is a structure, not an event. Patrick Wolfe (2006) argued that invasion is not an isolated historical event because settlers come to stay and proposed to think of it as a structuring principle. Colonialism is an ongoing process that still defines borders between imagined centers and peripheries, and the doctrine of discovery remains foundational to the international system of states built on stolen Indigenous lands. This violent process is not as a left-over from the past, it is a core principle necessary to the survival of the current state system.

Indigenous resurgence is a radical political project with a profound epistemological dimension. It serves to contest hegemonic histories with political cosmologies that denaturalize the state as the sole locus of the political (Beier 2005). Indigenous practices of authority, plural, shared, and unbounded to states, exemplify how to “dispense” with the state system. They allow to provincialize the state, revealing its limits and inadequacy in forms that resonate with calls to provincialize Europe (Chakrabarty 2000). Indigenous resistance offers alternative pathways of action that expands our imaginary beyond the straightjacket of state politics. Its achievements matter as much as the political possibilities that it encompasses.

Indigenous peoples have long been dynamic actors in international politics. When colonial governments invoked the doctrine of *terra nullius* to justify land-grabs, Indigenous peoples pur-

sued diplomatic negotiations, traveled to Europe on Indigenous passports, and signed treaties that settlers repeatedly broke. Indigenous peoples then resisted Westphalian territorialization and the imposition of state-centric politics. After centuries written out of existence and denied land rights by the *terra nullius* doctrine, Indigenous movements successfully framed international law over the last decades. Indigenous politics gained traction in the inter-national legal system with collective rights to self-determination in the ILO Convention 169 (1989) and the UN Declaration on the Rights of Indigenous Peoples (2007). They have created political parties, like Pachakutik in Ecuador, and run for office, electing President Evo Morales in Bolivia.

Recognition has become a principal mode of negotiating political authority between state and Indigenous nations, shaping debates over cultural distinctiveness, legal pluralism, and rights to self-determination over land, law, and culture. Indigenous peoples mostly celebrate international rights as a recognition of self-determination and autonomy from the state. Yet many resist what they perceive as conciliatory rhetoric promoting the collaboration between Indian nations and colonial states. Indigenous politics become ever more complex, as some claim rights to prior consultation and others refuse to be consulted by the states that exercised violence and seek alternative politics of self-recognition.

Indigenous experiences cannot not be trivialized as some remnant of the past or political folklore. They complement official national histories with forgotten narratives; in the process, they contribute new epistemologies. They do much more than expanding history; they revert it, destabilizing state-centric conceptualizations of the political. Spatial imaginaries of the state as modern and global, in contrast to indigeneities imagined as non-political and isolated, miss not only the impact of indigenous politics but the very essence of the state. Indigeneity, as a colonial category central to state-making, provides tools to historicize the state and sovereignty. Indigenous experiences free political imaginaries

ies from the hegemonic episteme of the nation-state.

This special issue explores the complexity and diversity of indigenous resistance. Contributions range from Australia to Bolivia, cover the USA – Canada border, and put Zapatista interventions in dialogue with resistance in Amazonia. The nine scholars offer an interdisciplinary perspective that includes history, political science, and literature; their methodologies range from legal to comparative analysis, some look at aesthetic interventions while others at intimate acts of resurgence in the home. Essays engage debates on the issue of recognition, exploring how Indigenous presence forces the state to articulate itself and to constantly perform its self-arrogated right to sovereignty.

One theme that runs through this special issue is that lasting Indigenous resistance is testimony to ongoing dispossession. The myth of Indian extinction is deeply anchored in settler colonial narratives of modern state-making. Erasing Indigenous presence served a pragmatic goal: denying Indian presence permitted to deny their rights (O'Brien 2010). If Indians did not exist, they could not claim their lands. Nineteenth century narratives promoting the vanishing Indian used racial purity rooted in scientific racism to argue that Indians were mixed blood and no longer truly Indian. In the USA, governors declared that there were no more Indians inhabiting their states; in Guatemala Maya communities were whitened by decree (Castro and Picq 2017). Indigenous dispossession has been a concerted bureaucratic effort.

Kathleen Brown-Pérez explains how the US federal government removes Indians from the land through mechanisms of legal dispossession and definitional violence. She summarizes Indian policy as a set of variations seeking termination through assimilation. She first analyzes the doctrine of discovery, a 'God-given' right to establish legal title to non-Christian lands, then Congress's plenary powers over Indians – only Congress has the legal authority to terminate tribes. Brown-Pérez takes us through various

stages of termination through US legal history. She focuses on the case of her tribe, Brothertown Indian Nation (Wisconsin), never terminated by Congress but erased from the list of federally recognized tribes in 1980. The case illustrates arbitrary acts of administrative erasure by the Bureau of Indian Affairs. The dissolution of the Brothertown Indian Nation is not an isolated event; it is part of a structure of dissolution of Indigenous societies. The real problem, she argues, is federal acknowledgment: an expansive, unfair, and arbitrary process that distracts from the real issue of termination.

Taking a legal approach, **Peter D'Errico** tackles the confusing concept of "sovereign exception" in US Indian law. He exposes the contradictions of a law that simultaneously recognize indigenous sovereignty and claims plenary power to regulate Indian tribes. Federal Indian law places Native Nations in a "state of exception" from ordinary sovereignty. He draws on Schmitt's notion of "state of exception" to show federal Indian law as a "sovereign ban" on Indigenous Peoples, placing them in a "zone of indistinction," where rules and decisions are inherently unstable, confusing, contradictory. The analysis is structured in three tempos around John Marshall's legal trilogy to suggest that US sovereignty is a theatrical performance, always in flux. Native peoples, he argues, provide the necessary opposition to the sovereign performance. Thus, the concepts of "tribal sovereignty" is a state of exception that simultaneously constitutes U.S. sovereignty. D'Errico borrows Mark Rifkin's notion of "sovereign anxiety" to discuss the radical possibility of an Indigenous refusal of federal Indian law. Indigenous refusal of the state of exception would constitute *lèse majesté* – "insult to majesty" – an old phrase that highlights federal Indian law as a "secularized theological concept."

Sovereignty is literally performed on stage in theatrical re-enactments of 'discovery.' **Ann McGrath** takes us to the first play of James Cook landing in Australia's Botany Bay by an Aboriginal troupe in 1901. The place-based performance implied symbolic grounds of entitlement, con-

tested sovereignties and contingent histories. McGrath considers how the affective nature of the Aboriginal performances, tangible and intangible, undermined British narratives and disrupted any singular patriotic reading of Australia's national history. Although Australian Aborigines are the world's oldest continuing culture with sixty millennia relating to land, official histories are still trapped in memorializing "discovery dates" that conceptualize settlers as "founding fathers" who "give birth to the nation." Re-enacting the act of taking possession serves both to assert ideas of sovereignty and 'whitewash' colonial violence. The Aboriginal troupe stole the show making a mockery of discovery; their dance embodied a storied exchange that tied together their deep human history and white Australia.

Another theme that contributions emphasize is the vibrancy of Indigenous politics, in relation to or beyond states. To dismiss Indigenous politics on the grounds of minority is misleading because indigeneity refers, first and foremost, to the state. The co-constitutive relation to the state explains the diversity of indigenous claims. It is because indigeneity refers to the state as much as to the people outside of it that indigenous counter-narratives to state-formation vary greatly according to context, time and region. This conceptual contingency is key.

Indigenous politics are significant first because they precede the emergence of the modern state; then because they condition it. **Andrew Canessa** approaches Indigenous politics as co-constitutive of the Bolivian state. For him, Indigenous peoples were not only present through Bolivian history, but were also necessary elements for imagining its modern nation state. The nature of the Indian was more than simply a philosophical problem; it lay at the very heart of the imperial state. Indigenous people were and are actively challenging political boundaries, shaping the contours of the state, and occasionally breaching the wall altogether. In Bolivia, they have long engaged with state in its various forms; there was never a time when they were simply passive subjects. Canessa looks at Bolivia

as an example of how indigenous peoples have through history contributed to, challenged, and molded the various states – from colonial to contemporary indigenous- to offer a radical critique of the sovereign state.

Sheryl Lightfoot and David MacDonald look at contemporary treaty relations among Indigenous peoples, with or without state participation. Indigenous nations are entering into treaty relations to reinvigorate their own traditional treaty practices and, in the process, they challenge global understandings of treaty-making as the exclusive domain of states. The authors examine three cases of Indigenous-to-Indigenous treaty to expand the global conversation on the possibilities for plural and multiple sovereignties. In 2014, eleven tribes signed the Northern Buffalo Treaty along the Canada-US border to restore the Buffalo on tribal lands. In 2016, fifty first Nations and Tribes signed the Treaty Alliance Against Tar Sands Expansion to protect lands and water across the US and Canada through collaborative decision making. They trace these examples of a surge in inter-indigenous treaty relations back to International Indian Treaty Council. It was founded in 1974 by 98 Indigenous nations from across the Americas and has held annual Indigenous nation treaty conferences without state participation since. Through these case-studies, Lightfoot and MacDonald demonstrate how Indigenous models of diplomacy can help counter the negative effects of absolute state sovereignty. They also point to the similarities between indigenous knowledge and emerging posthumanist thought on questions of ethics, trans-species communication and the philosophical aspects of animal-human collaboration.

It is precisely because Indigenous politics are intrinsic to the emergence of the state and contest its authority that they may contribute singular, radical critiques. The essays invite the readers to see the invisible, and to consider the process of Indigenous resistance as equally important as its outcome. They approach resistance as methodology and aesthetic intervention. Relationality

with nature and family is central to this process. Essays engage Indigenous relations to water, dreams, and ancestors to tackle the intimate and intangible dimensions of resistance.

Antonia Carcelen-Estrada approaches Indigenous resistance in the form of aesthetic interventions. She takes the reader through the aesthetics of resistance in Zapatista, Lakota, and Amazonian resistance. What appear as isolated struggles hide patterns of resistance that use various methodologies to defend land, water, and life. Carcelen-Estrada puts three different spec-time of resistance into conversation. In Chiapas, Mexico, Zapatismo visualizes indigenous autonomy in the story-telling of dreams. At Standing Rock, in the USA, Lakota water narratives go beyond territory to defend water as a source of life- dancing governance into being. In the Ecuadorian Amazon, Kichwa spears engage nature in its totality to show that constitutions are irrelevant to life. Zapatista dreams, Lakota dance and Amazon spears are different aesthetic interventions that all unveil the violence of the neoliberal democratic state from their own place-based cosmologies. They expose the state as fiction, leaving the emperor with no clothes.

Jeff Corntassel and Mick Scow approach political resurgence through everyday actions of Indigenous fatherhood. They suggest that intimate spaces like the home greatly inform relationships to the land, water, and natural world. Everyday intimacies represent important sites of regeneration with transformative potential for personal decolonization in homes, homelands, and waterways. Yet everyday intimacies are rarely examined as alternatives to the state-centric reconciliation discourse. Indian residential schools were fundamental tools of genocide because they broke the daily, place-based transmission of indigenous knowledge. The authors review research on everydayness, quiet and intractable to state appropriation, to understand how nationhood is embedded in relationality, convergences of time and place, politics of intimate settings, and gendered relationships. Writing as Cherokee and Kwakwaka'wakw fathers, they reflect on

their lived experiences for everyday frameworks of resurgence. Speaking Cherokee language to one's children is to breathe life into the language, to the unhurried pace of nature and ultimately challenging western notions of time and place. For Corntassel and Scow, resurgence is about "renewing, remembering, and regenerating Indigenous nationhood and relationships."

Despite ongoing states efforts to erase native presence, Indigenous peoples continue to influence political life. As Corntassel and Scow put it, "if settler colonialism is premised on the elimination of Indigenous peoples, particularly the eradication of our nationhood and systems of governance, enduring presence represents a powerful assault on this erasure." This resistance is valuable not as a matter of ethnic, spiritual or linguistic diversity but for the political possibilities it enables, posing some of the greatest challenges to modern nation-states. Indigenous resistance goes on, engaging in radical resurgence to "continuously build and rebuild indigenous worlds" (Simpson 2017, 46).

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