Remembering Naat'áannii: Exploring the Efficacy of Traditional and Contemporary Diné Governance

by

Michael Lerma

Copyright © Michael Lerma

A Dissertation Submitted to the Faculty of the AMERICAN INDIAN STUDIES PROGRAM

In Partial Fulfillment of the Requirements For the Degree of DOCTOR OF PHILOSOPHY In the Graduate College THE UNIVERSITY OF ARIZONA

2010
As members of the Dissertation Committee, we certify that we have read the dissertation prepared by Michael Lerma, entitled Remembering Naat’áanii: Exploring the Efficacy of Traditional and Contemporary Diné Governance and recommend that it be accepted as fulfilling the dissertation requirement for the Degree of Doctor of Philosophy.

________________________________________________________________________ Date:
Manley Begay, Professor of American Indian Studies, Chair

________________________________________________________________________ Date:
Honorable Robert Yazzie, Director of Diné Policy Institute

________________________________________________________________________ Date:
Tom Holm, Professor Emeritus of American Indian Studies

________________________________________________________________________ Date:
Frances Washburn, Assistant Professor of American Indian Studies

________________________________________________________________________ Date:

Final approval and acceptance of this dissertation is contingent upon the candidate’s submission of the final copies of the dissertation to the Graduate College. I hereby certify that I have read this dissertation prepared under my direction and recommend that it be accepted as fulfilling the dissertation requirement.

________________________________________________________________________ Date:
Dissertation Director: Professor Manley A. Begay Jr.
STATEMENT BY AUTHOR

This dissertation has been submitted in partial fulfillment of requirements for an advanced degree at The University of Arizona and is deposited in the University Library to be made available to borrowers under rules of the library.

Brief quotations from this dissertation are allowable without special permission, provided that accurate acknowledgment of source is made. Requests for permission for extended quotation from or reproduction of this manuscript in whole or in part may be granted by the copyright holder.

SIGNED: Michael Lerma
ACKNOWLEDGMENTS

Some how the word “acknowledgment” seems inadequate yet we are here recognizing the hard work and dedication of others to our own endeavors. I must recognize the contribution of my grandparents Mary and Fred Morales. Grandpa put tools in my hand. Grandma put knowledge in my mind. They both still do the same today. And to my mother, Linda, who endured phone calls at all hours helping me to better understand the reality I inherited.

I gratefully acknowledge the support of the Navajo community. We work well together and I cherish the gifts you have bestowed upon me. Dr. Manley A. Begay Jr. has graciously introduced me to the Navajo community and I hope I can live up to his expectations. His guidance has always been appreciated not only when he made suggestions but also when he allowed the project to tell me where to go next. I must also thank him for allowing this research to remain potentially relevant to Navajo Nation. Equally fundamental are the contributions of the Honorable Robert Yazzie. Mr. Yazzie’s ability to bring me back to earth when I had been floating in abstraction was a necessary condition for completing this work to my own satisfaction. I thank you both for allowing our voices to work together toward our common goals.

To Dr. Tom Holm who was my first American Indian Studies Professor. His support is enumerable in terms of his research and in terms of his willingness to discuss the ins and outs of his thoughts. Your impact on my own thinking is greatly appreciated. And to Franci Washburn for her enthusiasm in the face of what seemed like insurmountable obstacles. Your optimism, humor, and demeanor are to be treasured if not envied.

I also wish to acknowledge the contributions of those who may not realize that they have helped. These people include Gary Goertz, John Garcia, Charles Ragin, Susan Dovi, Kristen Kanthak, Tom Volgi, and Spike Peterson. I also acknowledge the support of my colleagues past
and present: Waylon Begay, Claude Rubinson, Sal Peralta, Jennifer Byrne, Keith Grant, Eddie Welch, and Billy Stratton. I collectively acknowledge Diné Policy Institute and Yolanda Yazzie, Beto Vicente, Desiree Vicente, Miranda Manheimer, Amber Crotty, Mary Baker, Andrew Curley, and Lori Begay. You all have contributed to my thought processes in class, talking, or in reading my work. Thank you.

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

For Yahuaca and the seemingly cyclical process of being dragged south from the east only to return west so that I could go north and complete the circle.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>9</td>
</tr>
<tr>
<td>GLOSSARY</td>
<td>*</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>**</td>
</tr>
<tr>
<td>CHAPTER I. PHILOSOPHY OF INDIGENOUS THINKING</td>
<td>**</td>
</tr>
<tr>
<td>A. General Indigenous Knowledge</td>
<td>**</td>
</tr>
<tr>
<td>B. Diné (Indigenous) Knowledge</td>
<td>**</td>
</tr>
<tr>
<td>C. What’s Missing? Answering the “so what” question</td>
<td>**</td>
</tr>
<tr>
<td>CHAPTER II. HISTORY OF DINÉ GOVERNANCE</td>
<td>**</td>
</tr>
<tr>
<td>A. Traditional Diné Governance</td>
<td>**</td>
</tr>
<tr>
<td>B. Interacting with the Colonial Actors</td>
<td>**</td>
</tr>
<tr>
<td>1. Relations with Spain</td>
<td>**</td>
</tr>
<tr>
<td>2. Relations with Mexico</td>
<td>**</td>
</tr>
<tr>
<td>3. Relations with U.S.</td>
<td>**</td>
</tr>
<tr>
<td>C. Early Reservation Period 1868-1923</td>
<td>**</td>
</tr>
<tr>
<td>D. Contemporary Diné Governance</td>
<td>**</td>
</tr>
<tr>
<td>CHAPTER III. BUILDING CONCEPTS OF DINÉ GOVERNANCE: A SOCIAL SCIENCE APPROACH</td>
<td>**</td>
</tr>
<tr>
<td>A. The Problem of Syntax Error</td>
<td>**</td>
</tr>
<tr>
<td>B. Three Level View of Concepts</td>
<td>**</td>
</tr>
<tr>
<td>1. The Basic Level</td>
<td>**</td>
</tr>
<tr>
<td>2. The Secondary Level</td>
<td>**</td>
</tr>
<tr>
<td>3. The Data/Indicator Level</td>
<td>**</td>
</tr>
<tr>
<td>4. Quantifying Concepts in the Future</td>
<td>**</td>
</tr>
<tr>
<td>CHAPTER IV. CONCEPTS OF TRADITIONAL DINÉ GOVERNANCE</td>
<td>**</td>
</tr>
<tr>
<td>A. Concept of Naat’áanii</td>
<td>**</td>
</tr>
<tr>
<td>B. Concept of War Naat’áanii</td>
<td>**</td>
</tr>
<tr>
<td>C. Concept of Peace Naat’áanii</td>
<td>**</td>
</tr>
<tr>
<td>D. Concept of War and Peace Naachid</td>
<td>**</td>
</tr>
<tr>
<td>CHAPTER V. CONCEPTS OF CONTEMPORARY DINÉ GOVERNANCE</td>
<td>**</td>
</tr>
<tr>
<td>A. Business Council of 1922</td>
<td>***</td>
</tr>
<tr>
<td>B. Navajo Nation (Tribal) Council</td>
<td>***</td>
</tr>
<tr>
<td>C. Complimentary and Conflicting Convergence in Contemporary Diné Governance</td>
<td>***</td>
</tr>
<tr>
<td>CHAPTER VI. TRADITIONAL DINÉ GOVERNANCE: An historical test in resiliency</td>
<td>***</td>
</tr>
<tr>
<td>A. Diné Institutions of Governance</td>
<td>***</td>
</tr>
</tbody>
</table>
B. An International Frame for Institutions and Interactions
C. Why Institutions Survive Catastrophic Events
D. Testing Diné Institutions
E. Surviving Diné Institutions

CHAPTER VII. CONTEMPORARY EFFICACY OF TRADITIONAL DINÉ GOVERNANCE
A. Contemporary Role of Traditional Diné Governance
B. Institutions of Traditional Diné Governance: Ałchi Silá
C. Incorporating Chapter House Governance
D. Concept of Domestic Naat’áanii
E. Concept of International Naat’áanii
F. Concept of the Contemporary Naachid

CHAPTER VIII. CONCLUSION

REFERENCES
LIST OF TABLES

Table 2.1 – Treaties with Spain
Table 2.2 – Treaties with Mexico
Table 2.3 – Treaties with United States
Table 2.4 – The two approaches to basic level concept continuum building
Table 2.5 – Diagram of “The Grey Zone”
Table 2.6 – Hypothetical truth table example using Necessity
Table 2.7 – Hypothetical truth table example using Sufficiency
Table 2.8 – Concept of Naat’áanii
Table 2.9 – Concept of War (Hashkeji) Naat’áanii
Table 2.10 – Concept of Peace (Hozhoji) Naat’áanii
Table 2.11 – Concept of War Naachid
Table 2.12 – Concept of Peace Naachid
Table 2.13 – Concept of 1922 Tribal Council
Table 2.14 – Concept of January 3, 1923 Business Council
Table 2.15 – Concept of January 24, 1923 Tribal Council
Table 2.16 – Concept of Tribal Constitutional Assembly
Table 2.17 – Wilkins Diagram of Contemporary Navajo Governance
Table 2.18 – Venn Diagram of Contemporary Navajo Governance
Table 2.19 – Set Theory Approach to Social Constructivism
Table 2.20 – Punctuated Equilibrium Model
Table 2.21 – Table of events, outcomes, and relative shock ratings
Table 2.22 – Visual Depiction of Shock Continuum Spectrum of Events/Severity of Shock
Table 2.23 – Descriptive Statistics on Events in Diné History
Table 2.24 – Distribution of Event Frequency and Relative Shock Value
Table 2.25 – Two by Two Table of Institutional Impact on Diné Governance
Table 2.26 – Truth Table of Events and Conditions
Table 2.27 – Truth Table with Event Shock at .6 or higher
Table 2.28 – 2 by 2 table of conditions and outcomes for events w/ shock .6 or higher
Table 2.29 – theory depiction of the causal mechanism at work leading to dormancy in Diné institutions of governance
Table 2.30 – Alternative Set Theory Approach to Social Constructivism (Assumes European free philosophy of identity)
Table 7.2 – Bullet Components of Alch’į’ Sila

Table 7.3 – Components of Alch’į’ Sila and their relative levels of generality

Table 7.4 – Set Theory approach to Alch’į’ Sila

Table 7.5 – Graph of Alch’į’ Sila

Table 7.6 – Exploded view of Sa’ah Naagh’áí Bik’eh Hózhóón and Diné thinking

LIST OF FIGURES

Figure 2.1 – Naachid Floor Plan Diagram (need to draw)  *

Figure 3.1 – Graph indicating sufficiency using continuous variables  *

Figure 3.2 – Graph indicating necessity using continuous variables  **
ABSTRACT

This research looks at Diné governance with an eye towards forecasting reform that considers traditional governance as a foundation for future changes to current governance. The following research questions will be answered: Why does Diné governance need reform? 2) Why is there a lack of cohesion between pre-1923 governance and post 1923 governance? Do these two styles need reconciliation? 3) What components make up traditional and contemporary Diné governance? 4) What impact has colonialism had on institutions of traditional Diné? 5) What would a contemporary Diné governance institution look like incorporating traditional governance and existing governance institutions?

The research is part history, and part political science while pioneering uses of cutting edge research methodology. Primary and secondary research will detail where Navajo Nation has been starting with Naachid systems through the turbulent 1920's business councils, to the Navajo Tribal Council to the current Navajo Nation Council. Unclear aspects are illuminated as best as possible by relying on oral accounts from Diné governance philosophers. Contemporary Diné governance analysis allows further understanding of what is missing in governance today and whether looking to the past alone will help make governance work better tomorrow. Where adopting traditional Diné governance institutions is not feasible or possible, we move into new methodological territory.

The concept building method is utilized in this dissertation as a way of offsetting the loss that occurs when English words fail to capture the essence of Diné Bizaad or Navajo language. Concepts organic to Navajo culture such as Naachid, Naat'áanii, war Naat'áanii, peace Naat'áanii, etc, are turned to for assistance in dealing with contemporary issues. Navajo concepts are represented as a three-level view depictions. This exercise requires that concepts be observed on
three levels. Level one is the name. Under the name level are the set of necessary and sufficient conditions which must be present or you do not have an actual concept. Under each of the conditions are the data/observations which must be present in order to verify that the condition is present. Concept building is the foundation of the entire dissertation because it displays where Navajo Nation has been in order to better understand where Navajo Nation needs to go. The visual presentation of traditional concepts of Diné governance actually makes them more understandable. Interestingly, it is anticipated that when the same concept building is applied to post 1923 Diné governance, the true motives of the U.S. become painfully clear. As a result, a clearer path is presented toward incorporating chapter house government into national government and developing contemporary concepts of Navajo governance based on traditional teachings and equipped to deal with contemporary issues.
Introduction

When people ask what my dissertation topic is, I often get mixed reactions to the answer I give. I typically answer that I am working on Traditional and Contemporary Navajo governance. Most of the reaction is a look of awe. One might interpret this look as one of feeling sorry for me. I must not realize what I have gotten myself into. Others seem intrigued but cautiously remain silent. Perhaps they are afraid of looking uninformed since my assumption is that their assumptions are based on cowboy and Indian movies and maybe they did not realize that there is such a thing is Navajo governance. The most ego bolstering reaction involves how smart I must be for taking on such a large project but, if you know anything about Navajo governance, you may realize quickly that my intelligence is questionable at best for selecting such a divisive topic. Probably the reaction that is most prominent just happened about a week ago (October 15, 2009) when an unnamed former resident of Navajo Nation burst out laughing only to apologize and explain that she was not laughing at me personally. I smiled back and can only guess that she was laughing at my stupidity for taking on such a topic or she laughed at the notion that Navajo Nation had a functioning government at all. It would be interesting to have simply asked several people what they think of when they hear the phrase “Navajo Governance”.

To guide our journey here, let us visit the research questions that will focus our attention on specific aspects of Navajo governance.

This research aims to answer several questions related to contemporary Diné governance. (I would rather use Navajo words where possible) 1) Why does Diné governance need reform? 2) Why is there a lack of cohesiveness between pre-1923 era governance and post 1923 era governance and do these, at least, two styles need to be reconciled? 3) What components make up traditional and contemporary Diné governance? 4) What is the context for Diné governance
reform? 5) what would/should contemporary Diné governance institutions look like if it incorporated traditional teachings? Now consider the context which will contribute to the answering of the above questions.

The question of why Diné governance is in need of reform is a matter of opinion. The nature of the research is meant to avoid subjective discussions of a normative nature such as, “What kind of government should be used?” Regardless of research intent, subjective notions are going to leak in, hence, the fifth research question above. Still, opinion and normative discussions are minimized by focusing on factors that actually occurred rather than dwelling on issues of a normative nature. When the history of post-European contact Diné governance is examined, several objective patterns are discernable. At least one pattern is relevant for this research: Drastic changes have impacted Diné governance over the last 500 years forcing past and present Diné leadership to adopt policies (both Indigenous and foreign to Diné) which focus on the basic needs for cultural survival. It is arguable that contemporary Diné governmental relationships with colonial governments, multi-national corporations, and international organizations are the most favorable to Diné interests than they have ever been since Spaniards first disturbed Diné country. If one is open to such a premise, than it follows that mere cultural survival is no longer the sole objective of Diné governance policy. (Such is not to say that Diné country is currently free of problems.) As a result, it may be an opportune time to investigate contemporary Diné governance in an effort to modify Diné institutions so that future policy and governance apparatuses focus on a broader set of goals.

The notion that cultural survival was once an important and central purpose of Diné governance may explain why contemporary Diné governance may not be useful for Diné citizens today. If such a premise is acceptable, than it is logical to look to the past in order to extrapolate
how pre-1923 Diné people governed themselves with an eye toward domestic and international issues. Traditional Diné governance need to be fully understood so that contemporary Diné leadership can return to governing with a mind toward reestablishing the sovereignty that has been lost due to colonial activity. Another useful premise to consider is how dichotomous thinking may be a culprit in hindering current Diné governances from reestablishing the sovereignty lost to colonialism. Are policies of internal survival (protectionism) inconsistent with policies of developing political economies with several international actors (economic interdependence)? While the research will not be able to definitively answer such a question, we are wise to consider how energy spent governing via inconsistent and contradictory policy utilizes the finite energy of contemporary Diné governance in an inefficient manner. In other words, it is time to turn the attention away from mere survival. It is time to take preliminary steps considering how domestic Diné policy may be harming its need to govern with a mind toward international affairs which has increasing impact on Diné people as technology advances daily. Still, a contemporary answer to contemporary issues are not merely offered as a lone fix.

A. Theory

The theoretical frame for this research involves Indigenous knowledge, Diné philosophy of governance, political science theories of international relations realism and social constructivism, and the notion of peoplehood, (Holm, Pearson and Chavis 2003; Morgenthau 1948; Waltz 1979; Wendt 1999). The idea of Indigenous knowledge involves assumptions about the nature of knowledge itself. There are many documents which discuss the manner in which Indigenous peoples of the Americas have had an extensive interaction with what some scholars have termed “multiple realities”, (Lewis and Jordan 2002). These interactions might be described as the ability of people to become educated in Indigenous ways of understanding the natural
properties of the universe, the earth, its living organisms, and the connection between all these entities in this life and an after life. Since Indigenous knowledge systems assume that not all individuals will possess the same inherent qualities, not all people can be adequately trained to see the multitude of realities. Going further, it is not appropriate to share the full diversity of knowledge with all individuals because the power of such knowledge requires great and varying responsibility. For the purpose of this research, all that is necessary to understand is that Diné philosophies of governance are dependent on Diné Indigenous knowledge. In other words, Diné Indigenous knowledge is a subset of Indigenous knowledge generally. But Indigenous knowledge only explains traditional Diné governance and partially explains contemporary Diné governance. Other theories must help explain contemporary Diné governance.

It is also necessary to understand the social psychology of colonial actors and this is why one must include the dominant theories of state interaction as outlined in international relations literature, (Morgenthau 1948; Waltz 1979). The main theories to discuss are realism which, upon reexamination of the history of colonial interaction demonstrates, is the dominant theory of interaction among colonial actors during the time of colonial activity. It is because U.S. federal Indian policy is a direction forming entity and because federal Indian policy is guided by assumptions contained in realism that we must better understand how realism formed the policy itself. A second useful theory of international relations involves the theory of social constructivism, (Wendt 1999). Social constructivism, a subset of sociological theory of cultural development generally, has never been applied to the behavior exhibited by Indigenous people in reaction to European encroachment. I argue that the explanatory power of social constructivism, realism, and the underlying behavior of Indigenous and colonial actors is remarkable. Still, the
invocation of theories of international relations is not sufficient, otherwise, there would be no tribes left today if they were completely accurate.

A final necessary theoretical frame for explaining how Diné philosophies of governance still exist today involves the invocation of the peoplehood, (Holm 1989; Holm, Pearson and Chavis 2003). Social constructivism explains how various Indigenous tribes survived colonialism by virtue of adopting assumptions inherent in realism. But what explains the way in which Indigenous peoples that exits today still exhibit their own culturally founded philosophies of governance (some to a greater degree than others)? I argue that by extrapolating from the foundation of the peoplehood, one can deduce how certain aspects of Indigenous cultures survived in a dormant state and the same argument can be specifically applied to Diné culture. Consider the source of dormancy in Diné philosophies of governance.

The research here necessarily works from Diné philosophy as a foundation for governance. (To be certain, Diné philosophy of governance is considered a subset of Indigenous knowledge; a more general theoretical frame for the dissertation.) There are several Diné specific aspects of leadership which will form the foundation for a theoretical framework. These notions are K’é, hashkéji, and hózhóójí. First, K’é is defined as, “compassion, cooperation, friendliness, unselfishness, peacefulness, and all the other positive values that create an intense, diffuse, and enduring solidarity”, (Nielsen and Zion 2005). K’é will be a constant reference as a brief introduction of the reader to traditional Diné governance is summarized. K’é is also relevant to future proposals for Diné governance as changes are presented. Still, other sources of Diné philosophies of governance are relevant.

It will be equally important to understand the parameters for Diné governance changes and these parameters are outlined in Diné philosophy in the idea of hashkéji, and hózhóójí. One
might consider how the direction of individuals or a group can be negative or positive. Consider, for a moment, the mathematical properties of a number line. At the extreme of the number line is negated value or negative one. At the other extreme is the presence of value, or positive one. In theory, there are an infinite number of numerals within the range of negative one and positive one. It is necessary, here, to link the mathematical property of negation with the rhetorical understanding of negativity or moving in a direction in which one wishes to avoid if possible. Simultaneously, it is necessary for us to link mathematical positivity with rhetorical notions of moving in a good or positive direction. If these assumptions are taken for granted, then one might better understand hashkéji. Moving into negative territory along the number line is akin to hashkéji meaning that governance is moving into a disharmonious state. Alternatively, hózhóójí might be understood as moving into positive areas or into harmony. Do not confuse the absolute properties of negative one with hashkéji nor should one equate the absolute properties of hózhóójí with positive one. Rather, one only need recognize that the notion of hashkéji, and hózhóójí are philosophical barometers used in Diné philosophy for the purpose of determining the utility of governance policy. An obvious occurrence involves the way in which colonialism forced Diné philosophies of governance to necessarily go dormant in order for the culture to survive in any form at all. It is within the context of colonialism that allowing for dormancy is actually consistent with notions of hózhóójí even if in times of pre-European contact such behavior would probably have been considered hashkéji. A final thought here involves the notion of negative properties (numbers) which are necessary to the function of the philosophy. In similar fashion, the object of Diné philosophy is not to eliminate Hashkéji but rather to balance in complimentary fashion to it. European and Indigenous philosophies clashed long ago leaving
us with a mix of the two philosophies yet there is little explanation for why the mixing occurred as it did.

One of the most prominent theories of international relations does an alarmingly good job of explaining the diversity of interactions that we find evidence for in the primary and secondary literature on colonialism in general. Perhaps because it explains everything or perhaps because the theory was generated in retrospect, realisms explanatory power is useful to the current research. There are six main assumptions inherent in realism:

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

Besides the fact that every one of these assumptions is applicable to almost every interaction that has taken place between Indigenous people and European colonial actors since 1492, these assumptions more specifically inform the nature of interaction between Diné policy makers since at least the time just prior to the long walk up until today. What’s more, the assumptions of realism were, in part, adopted by many Indigenous communities which survived into the 21st century. If one would accept a leap of faith, one might conclude that tribes which do not exist today either refused or failed to adopt realist assumptions of nation building. A second theory of international relations elaborates on the above point.

The theory social constructivism is a loose set of principles which state that humans create culture in a manner in which the best outcomes are the primary goals given the available options (and the existing parameters) for achieving said goals, (Wendt 1999). When applied to
international relations theory, the notion that states have increasingly adopted a set of liberal norms because of the fear that sanctions will prevent economic development in the global political economy has been touched on given various contexts, (Checkel 2005; Finnemore 2001; Polillo 2005; Schimmelfennig 2001; Tannenwald 2005; Wendt 1999; Zürn 2005). But social constructivism has rarely been applied to pre-19th century international interactions and has never been applied to the interaction between Indigenous people and colonial actors. Regardless, a recent treatment of the history of the Southwest gives credence to the notion that Indigenous peoples adopted assumptions of realism in a manner consistent with the theory of social constructivism.

A mainstream history of the southwest indicates that Spaniards, French, English, and Indian actors all interacted in a war like fashion. One might joke that the history of the Southwest U.S. is really a history of cowboys, Indians, Mormons and Mexicans, (Vazquez 2009). Long story short: the cowboys beat the Indians in various wars and now the Indians are trapped in reservation life. The mythology of the era was that it was just a matter of time before primitive Indians died off. A contemporary reinterpretation of the history is that a superior military power simply conquered an inferior military power. Yet recent research indicates that tribes of the southwest adopted aspects of European colonial behavior. Consider an example of theoretical fit based on a history of the southwest. A good reason to point to this history is because author Ned Blackhawk produced an enormous amount of work on the subject of the Indigenous southwest. Since accounts of the nature produced by Blackhawk are rare, there are few other places to apply the theory of social constructivism.

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

The history of the Utes, genizarios, and Spanish colonizers fits within the theory of social constructivism well. With the arrival of the Spanish, the Ute political economy was impacted negatively. As a result, Ute tribes modified their political economy to include the lucrative aspects of the slave trade. Ute tribes gained an advantage over other tribes by securing the horse and advanced technology guns. The combination of the horse and the gun afforded the Utes an ability to raid non-horse tribes and kidnap Indigenous people to be sold as slaves to the Spanish. It is not necessary for us to understand why certain tribes could not or did not secure horses and take part in the slave trade of the southwest region. What is relevant here is that one can argue how Utes adopted the realist assumptions of amassing resources via military and economic domination of the region. For whatever reason, the people that became genizarios were incapable or unwilling to assume realist tendencies and, as a result, their own attachment to their tribes (state) was eliminated. And while there are plenty of other examples of Indigenous people adopting realist assumptions throughout the history of colonialism, it is hoped that this example
is appropriate to make the point that the theory of social constructivism applies. In fact, realist assumptions can be found in contemporary Diné institutions of governance.

It will be argued here that Diné governances was itself impacted by the emergence of realist colonial actors. One result was the need to give up (or allow dormancy to preserve) traditional Diné governance institutions such as the Naachid just after the Long Walk. A second impact came in 1923 when realist actors (The U.S., corporations, etc.) discovered resources to monopolize on the Navajo reservation forcing Diné leadership to react by adopting business councils with implied realist assumptions. Still, another theory must be relied upon to explain why all Indigenous actors did not simply assimilate to every notion of realism and, thus, disappear entirely. In other words, what explains why a Naachid might hold value as defined by average Diné people? The theory of peoplehood may help explain why the dormancy of the Naachid is a legitimate expectation.

Peoplehood may explain how the assumptions of realism within Indigenous communities did not entirely erase Indigenous values for governance, (Holm 1989; Holm, Pearson and Chavis 2003). Note the four aspects of peoplehood:

1. Place Territory
2. Sacred History
3. Ceremony Cycle
4. Specific Language (Holm, Pearson and Chavis 2003)

It is important to note the manner in which realism might interpret the four aspects of peoplehood. Place territory is under direct attack as the assumptions of realism indicate that states should monopolize resources in order to gain an advantage in surviving in an anarchic world. Second, note how ceremony cycle plays into the monopolization of information as a resource. By undercutting the religion of Indigenous people, states with realism in mind will replace information access and dissemination capabilities with their own spin on affairs in an
effort to control the minds of the people they wish to dominate. But how does realism attack the
notion of sacred history and specific language?

Probably the most underused theory that is organic to American Indian Studies is the
theory of peoplehood. By extrapolating from the tenets of the peoplehood, I argue that at least
two aspects of peoplehood are quite visible to the most obtuse of colonial actors. This explains
why many tribes which survive into contemporary times and have lost certain aspects of their
cultures to colonial behavior. While not a universal rule, it makes sense that the aspect of
Indigenous culture most attractive to colonizers was (and is) land. It also holds that the next most
visible aspect of Indigenous culture, which was a threat to Christian indoctrination, was the
aspect of ceremony cycle. But if tribes are pure social constructivists, then why did they retain
any of their culture today? The reason is also contained in peoplehood. We all understand that
Christianity did not overtake Indigenous ceremonies even when federal policy banned
ceremonies. Rather, ceremonies went underground. This was only possible because the other two
aspects of peoplehood were more readily hidden. Specific language refers to prayer, sacred
songs, or other knowledge not appropriate for dissemination to everyone within an Indigenous
community. These aspects of peoplehood went dormant as Indigenous cultures were forced to
revert into a survival mode upon interaction with colonizers. At the same time, sacred history
was also laid dormant to revive at a time when conditions for cultural revitalization were ripe.

This research builds on theoretical frames which predict that the time for tolerance and
acceptance of Indigenous knowledge, specifically Diné philosophies of governance is better now
than it has been since 1492. These theories explain how aspects of Diné philosophies were lost to
realism. It also frames how aspects of Diné philosophies remain dormant today in the minds of
elders and in the dreams of those unknown to us. Perhaps credit can be given to previous Diné
policy makers for taking steps to expand the place territory of the Diné to such a point that remote pockets could be utilized to continue with ceremonial practices. It is here that one is likely to find the Diné philosophies of governance, among other aspects of Diné culture, which remain dormant and thirsty for a drop of water.

B. Methodology

The research here relies upon a mixed method approach. At the same time, the very premise upon which mainstream research rests is a bit different here. Unlike research typical of social sciences on the subject of Indigenous people, the proposed research works from the premise that the research question is derived from a set of issues that have been identified by the Indigenous community as a priority. In other words, Diné College and Diné Policy Institute (DPI) have previously identified a set of issues which they believe are in need of attention. Thus, it is at the request of DPI, acting as a legitimate representative of the Navajo Nation, that the proposed work is being undertaken. All of the research designs are offered to DPI by the author as a proposed method of matching issues identified by DPI with solutions. As such, the use of unmodified mainstream methodological approaches is not appropriate nor at work in the present proposal. Rather, primary and secondary research is used but modified to include oral accounts from Diné philosophers, practitioners, retired Navajo Supreme Court Justices, and professors at Diné College. Secondly, the use of Social Science Concept building is offered as a new way of understand traditional and contemporary aspects of Diné governance. Let’s look at how primary and secondary resources will contribute to the methodology used.

Primary and secondary resources will be used sparingly only because there is a lot of misinformation that exists in the majority of such texts. As such, it will be necessary to rely upon the oral histories which are available via practitioners of Diné religion, the holders of Diné
traditional knowledge, professors of Diné studies at Diné College, former Justices of the Navajo Supreme Court, as well as the primary and secondary resources housed at Diné College. Of the traditional primary and secondary resources that will be used as a foundation for the dissertation, only those scholars with direct connections to Diné people or with solid reputations as established scholars of Indigenous studies will be utilized. All other primary and secondary resources will be carefully scrutinized and verified by consultation with Diné philosophers to ensure that there is accuracy regarding depictions of Diné philosophies of governance. Primary and secondary resources, as defined above, will be the foundation for building concepts of traditional and contemporary Diné governance. Consider how textual descriptions of concepts foreign to English run into problems regarding translation and how concept building might alleviate some, if not all, confusion.

At times, people that are at least bi-lingual run into the problem of losing something in translation. The problem may be a mere inability of certain words in one language to transfer to another. Other times the problem is much more pervasive and cultural concepts are so bizarre or unusual to another culture that the communication breaks down and very little of the organic concept has been understood by the interloper. One example of this problem involves the contemporary Navajo court system. A misnomer, the Navajo court system is really based on traditional peace making practices. Yet, in order to garner external legitimacy from colonial court systems, the word “court” was attached to the process as it was adapted to fit modern Diné problems, (Nielsen and Zion 2005).\(^1\) Attaching English terms to Diné cultural traits is a tedious and distracting task which could be viewed as a “syntax” error. Syntax is defined as, “1: the way

\(^1\) The example of the history of the Navajo Court system is another case study in adopting realist assumptions of governance in an effort to survive colonialism. The bi-product of adopting realist assumptions, I argue, is that Indigenous values go dormant only to revive once the opportunity arises. I argue that the history of the Navajo Court can be theoretically framed as an example of social constructivism at work.
in which linguistic elements (as words) are put together to form constituents (as phrases or clauses) . . . 2: a connected or orderly system : harmonious arrangement of parts or elements”, (Merriam-Webster Inc. 2007). Typically a syntax error is associated with computer program language errors but, it is possible to use the syntax error analogy to gain insight regarding the reason why, for example, the Navajo Nation has failed to incorporate a constitution resembling the U.S. model.

Consider the second definition offered by Merriam-Webster: “a connected or orderly system : harmonious arrangement of parts or elements”, (Merriam-Webster Inc. 2007). Obviously, had policy makers within the Navajo Nation believed that a string of English language words could come together in a fashion that would garner a “harmonious arrangement” of the “parts or elements” of Diné culture, it is likely the question of what a Navajo Constitution is would be moot. Instead, it appears that many times the Navajo Nation policy makers have concluded that words in English are not capable of harmoniously stringing together the elements of Diné culture necessary to create a satisfactory constitution. Recent efforts by individuals to write a constitution best frame the debate. A more culturally traditional argument against a written constitution involves syntax error: the concept of a constitution is not an organic Navajo concept. Rather, constitutions are an anglo concept making them incapable of taking the “parts or elements” of Navajo culture and weaving those elements into harmony with an anglo outcome, (Kraker 2008). Yet, contemporary Diné governance still fails to satisfy all Diné citizens. Consider the recent history of Diné governance and note how there are patterns of “conceptual stretching” or taking a term and inflating its definition so vastly as to make the term meaningless or at least confusing to many Diné citizens, (Sartori 1970; Wilkins 1987).
Hardly a unique problem only witnessed in Diné governance, the notion that terms are being asked to represent a greater diversity of applications is a phenomenon plaguing policy makers and academics of various disciplines. The roots of conceptual stretching can be traced back to the origins of colonialism itself. European colonizers felt compelled to stretch their western concepts of humanity to either include Indigenous people or exclude them. At the risk of broadly generalizing, the origin of Federal Indian Law in the United States of America details the debate on the existence of a soul with Indigenous people, (Getches, Wilkinson and Williams 1998). Although conceptual stretching was never (indirectly or otherwise) tied to international colonial law, the fact of the matter is that various international actors (the Catholic Church, England, France, Portugal, Russia, and Spain), were forced to stretch their individual concept of what is human and what is heathen or soulless. Conceptual stretching occurred quite by accident as western academics for millennia assumed that their own ethnocentric languages could accurately represent cross-cultural concepts. Whenever a concept unknown to westerners was discovered by westerners, the gut reaction was to broaden a western concept that already existed so that it would expand and envelope the new concept. At least two recognized consequences of conceptual stretching are noteworthy here:

. . . conceptual stretching also represents a deliberate attempt to make [western] conceptualizations value free. Another concurrent explication is that conceptual [stretching] is largely a “boomerang effect” of the developing areas, i.e., a feedback on the Western categories of the diffuse polities of the Third World. (Sartori 1970)

Creating concepts free of cultural values may be impossible. One is hard pressed to consider the development of any democratic government without associating the resultant administrative body as a product of some Greek or otherwise Western culture. Secondly, the notion that not so value free governing principles have filtered into third world polities should force non-Westerners to have an academic “double take” when considering how U.S. governmental influence is at least as powerful in the third world as it is in Diné country. It is
likely that legitimacy and cultural relevancy in any modern Diné governance structure will need to draw from traditional Diné governance structures. By identifying the inability of English terms to represent Diné cultural values, we take a step toward resolving the many instances in which Diné citizenry have come to see their government as ineffective. By replacing ill-defined and stretched English terms with Diné cultural traits, we attempt to bring back Diné cultural legitimacy to modern Diné governance. The greatest evidence for the effectiveness of the above approaches may be located in the history of modern Diné governance which is a vacuum in which there is no trace of Diné cultural values. But the manner in which one looks at Diné history will also need further elaboration.

On the cutting edge of social science qualitative and quantitative research is the concept building method developed by Dr. Gary Goertz, (Goertz 2006). The Goertz method of concept development is a well articulated model by which complex and ill defined terms can be properly represented and formally expressed in order to increase consistency in its use and make clear distinct characteristics. Based on the notion that deep knowledge of specific cases will aid in making concept building decisions, the Goertz model may be susceptible to selection bias yet, given its transparency in development, such a bias would be more easily pointed out by observers. Social science concept building is a method of social science inquiry created to disaggregate ill defined concepts in social sciences, (Goertz 2006). The most important benefit of this approach is that consistency in identification would be more easily attained. Researchers can catch their own inconsistencies, and readers can replicate and build upon past research in a systematic fashion.

Relying on the rules of philosophical logic, the social science concept building method encompasses a number of tools meant to simultaneously keep logical arguments consistent and
also clarify terms that are confusing or used very broadly. The basics of the concept building method involve breaking concepts into three levels of aggregation. (The three levels of aggregation will also be referred to as a “three-level” view.) The “basic” level is a name and can be as arbitrary or as precise as one wishes it to be. The actual meaning of the basic level term comes from other levels. The “secondary” level of a concept is put together as a set of necessary and/or sufficient conditions. Depending on the complexity of the concept, the number of secondary level necessary and/or sufficient conditions can expand to any number although too many conditions may be an indication that the concept is really two separate concepts hiding under a single basic level label. The secondary level conditions aggregate up to the presence or absence of the basic level concept. The data/indicator level is the basis for the entire concept allowing a researcher to tap into some observable condition. Concepts are most useful when they are built from the data/indicator level up meaning that careful thought is given to what the presence or absence of a condition really means. Other times, it may be necessary to build a concept from the middle level out to basic and data/indicator level simultaneously.

As will be stated time and again, the various decisions to be made concerning concept building will necessarily come from a researcher’s knowledge of the cases under scrutiny. For the purposes of constructing traditional Diné governance structures, it is possible to reconstruct such institutions based on historical knowledge. For the purposes of this study, the only concern should rest in discovering the legitimacy and culturally relevant traits of Diné governance. Of course, this assumes that traditional Diné governance traits remain culturally relevant today. A second goal of this research involves the reconstruction of governance structures introduced to Diné people starting in the early 1920’s. U.S. federal policy can be constructed from the data indicator level up because U.S. policy makers made most of their interests clear. As will soon be
obvious, if it is not already, every U.S. model of governance focused on extracting resources from Diné land. The concept building method will make this undeniable. And while transparency is a great attribute of the concept building method, descriptive research is just one percent of the attributes which go along with concept construction research.

Due to the limited scope of this research, it is not necessary to discuss every possible application inherent in the concept building method. As such, one should merely understand how the attributes inherent in concept building lend themselves nicely to Diné governance. Briefly, concept building allows for proposed Diné governance structural changes to be descriptively presented in a reliable, replicable, and valid format in which research flaws are more readily discernible. Second, conditions (secondary level traits) can be scrutinized for their consistent level of generality within a single level of abstraction. Third, clear connections across levels of abstraction can be carefully constructed to maximize the utility of governance structures for Diné citizens. An example of concept building and its relationship to Diné language may further explicate their similarities. Qualitative and observational research indicates that Diné language itself appears similar to the concept building method. The word “computer” does not exist in Dine language. Rather, speakers use a series of existing Diné words to describe a computer, (Cleary and Peacock 1998). One interpretation of the above observation is that Diné language is resistant to stretching an existing Diné term to fit the foreign concept of a computer. Dr. Manely Begay Jr offered the following reaction to the above interpretation:

“This is also a way of giving meaning to a foreign concept or a way to identify it, define it, and have control over or recognition of it.” (Begay 2008)

In reaction, it is possible to consider linking Diné language structure to concept building methods as follows: Identification/definition is the basic level, recognition/control in descriptive terms is the secondary level, and Diné words used is the data/observation level. Therefore, in terms of
qualitative comparisons, the concept building method is an appropriate method of research
design for Diné concept construction. Still, there are other possible uses for future research.

Concept building methods lend themselves nicely to another research design called
Qualitative Comparative Analysis or QCA. QCA was created by engineers interested in
developing computer software capable of parking trucks without human drivers. It was hence
forth adopted and modified by Dr. Charles Ragin, (Ragin 1987; Ragin 2000; Ragin and Becker
1992). Within the realm of QCA is the possibility of testing for the presence or absence of
secondary level traits of Diné governance concepts using the Fuzzy Set Qualitative Comparative
Analysis (FSQCA) software, (Ragin, Drass and Davey 2006). Given enough research and data
gathering, future research can also allow for quantitative necessity and sufficiency tests of
various secondary level traits of Diné governance concepts. Given such testing, it is also possible
to discern which conditions may be substitutable and with what modification. Further, minimum
tests of sufficiency can be constructed in which the bare essentials can be quantitatively linked to
concepts of “good” Diné governance. (Consider how hózhóójí can be quantitatively measured
via policy language exhibiting necessary conditions and connecting those conditions to notions
of k’é.) With all these possibilities, it is very important that analysts exercise care in constructing
Diné governance concepts accurately and in fine detail. One cannot be sure where the extension
of the concept will take researchers and it is better to be prepared rather than begin a new to
cover up the sloppy concept construction of haste. With the above concerns in our minds, we can
take our first steps towards considering a traditional Diné governance concept.

A third methodological approach deserves mention as it is utilized to demonstrate, using
crisp and fuzzy set methods, that the efficacy of traditional Diné institutions remains. After
determining the traditional and contemporary concepts of governance, we can then re-examine
the history of interaction between Diné and colonial actors. Four criteria are offered as independently necessary and collectively sufficient to cause an institution of Diné governance to go dormant. Two conclusions are excitemently relevant here. First, it is demonstrated that only one institution of Diné governance has gone dormant. Secondly, as a result of traditional Diné institutions of government, the very institutions that have been subjected to colonial attack are the very institutions which preserved themselves only to be revived later. The evidence suggests that we should be very enthusiastic regarding the efficacy of Diné institutions in relation to contemporary issues.

C. Good History is Hard to Find

In short, the literature on Diné governance is minimal and largely an exercise in historical documentation in the tradition of primary and secondary resource examination and contextualization. The seminal work in the area of political historiography is, “The Navajo Political Experience”, (Wilkins 2003). Additional traditional Diné governance information can be located here: (Nielsen and Zion 2005; Wilkins 1987; Wilkins 2002a; Wilkins 2002b; Wilkins 2003). It is not necessary to go into major detail regarding the quality nor the uniqueness of previous research on Diné governance because the main concern regarding this research involves the accuracy of the information utilized. To be clear, the literature on Navajo government is quite extensive. (See appendix A for a general list of some literature which documents Navajo governance). In fact, there is an old saying that states, “Navajos [are] the most ‘studied’ Indian group in the country; anthropologists, archaeologists, historians, linguists, and other professions have each taken a turn at analyzing various aspects of Navajo culture and society”, (Wilkins 1987) page xi. (And while I do not doubt that such a statement is true, I have not been able to locate quantitative evidence supporting this claim.) As such, it would be in the interest of space
to limit space to my own judgment regarding the quality and accuracy of Navajo research based on an author’s general reputation among Diné scholars, the author’s relationship to Diné enclaves of intellectual thought, as well as past collaboration with Diné institutions of higher education and governance.

The following information is derived from, “Diné bibeehaz*áanii : a handbook of Navajo government.” by David Wilkins. Given that the premise upon which this literature review is founded involves reputation of scholars and a scholar’s collaboration with Diné institutions, it should be noted that Dr. Wilkins was an instructor at Diné College in Tsaile, Arizona. Second, Diné Bibeehaz áanii was published by the Navajo Community College Press in 1987. As such, I am satisfied that Dr. Wilkins took every effort to be accurate and write in accord with Diné values concerning what could be shared and what is off limits for general consumption.

Diné Bibeekaázanii literally means Navajo Laws. Wilkins dedicates one chapter to traditional Navajo government. Oral tradition and some primary documentation point to the existence of Naat’áanii, or traditional Headman, in Diné society, There were war and peace Naat’áanii or specialists which focus their expertise on situations in time of war and peace. The primary and secondary research that exists on war Naat’áanii are incomplete. One can deduce that the aspects of war Naat’áanii are inappropriate for sharing. Of course, such cultural norms must be respected and will be respected here. The historical record on peace Naat’áanii is better. Given that I am satisfied with the record on peace Naat’áanii, the proposed research will build concepts of traditional Diné governance, namely concepts of Naat’áanii and Peace Naat’áanii, based on the Wilkins resource. Concept building methods have never been applied to research on traditional Diné governance institutions.
A concise and relatively accurate history of contemporary Diné governance will also be necessary to complete concepts of governance. Contemporary Diné governance is defined by this author as governance institutions put in place after 1923. Once again, a main source for information on contemporary Diné governance will necessarily come from Wilkins for the reasons cited above. Currently, the Navajo Nation is governed by the “Navajo Tribal Code” which was first established in 1938 and is based loosely on the U.S. system of legislative/representative government. The first opportunity for the Navajo Nation to adopt a constitution, that is a system of government resembling a U.S. constitutional model, came in 1935 in the wake of the Indian Reorganization Act (IRA) of 1934. As an alternative to a U.S. constitution model, a set of rules were instead adopted to govern the behavior of a Navajo Tribal Council. The rules created in 1935 were then collected and codified in 1962 into the first version of what is now called the Navajo Nation (Tribal) Code and remains subject to amendment by the Navajo Nation (Tribal) Council, (Wilkins 1987). Rather than record the origin of Navajo authority and link such authority as deriving from the Navajo citizenry, the Navajo Tribal Code instead derives its authority from a set of what modern day political sociologists might call norms and sanctions. By the mid-1930’s, the U.S. was more interested in promoting general reorganization of tribal governance which is why the Navajo Nation first adopted the “Rules for the Navajo Tribal Council”.

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

One error that is injected into the IRA era is the notion that constitutional democratic governance is universally good and effective for all humans on the planet or maybe even the universe. Sociologists have recognized for decades that such an assumption is problematic at best (Sartori 1970) and a grab for power at worst, (Lukes 2005). To assume that Diné people of their respective eras were somehow mislead or unsophisticated to the point that they rejected the “great gift” of democratic constitutional governance is ethnocentric and condescending.

As a point of reference, it should be noted that Diné country had opportunities to adopt U.S. model constitutions but rejected these opportunities for various, probably well articulated reasons which I have not been able to document. The first opportunity to adopt a U.S. model constitution, as has been mentioned here before, came in 1934. A second opportunity led to the rejection of a U.S. constitutional model of governance in 1936 in which the “rules” were instead adopted. Some attribute these last two rejections to issues involving livestock reduction programs although the real answer for the rejection remains unclear at best, (Wilkins 1987). The U.S. model of constitutional governance question came up again in 1953 but was rejected because the draft constitution was feared to be too heavily weighted in the direction of U.S.
interest and influence. In 1968, Tribal Chair Nakai was able to get a constitution approved but for reasons which remain unclear to this analyst, the constitution was never voted upon by the Diné people, (Wilkins 1987). Even today there is a push to convene a constitutional convention, (Kraker 2008). The above instances of tribal constitution rejection share one commonality: the writers of these original reports tend to assume that the problems of Diné country will magically be resolved with a U.S. style constitution in place. To go along with this assumption is to reject the wisdom of previous Diné leadership and the lessons they derived from their interaction with colonial actors (the U.S. especially). While the above describes the origin of contemporary Diné governance and its relationship with constitutional reform, it does not simultaneously explain contemporary Diné governance.

The distinction between description and explanation may seem semantic, but the ability to see function, and dysfunction, comes in the form of understanding and linking intention and action. It is described for us that the discovery of oil in Diné country during the early 1920’s is a significant factor involving why a Business Council was formed in 1922, (Wilkins 1987). [Still, I suspect that a technological innovation in oil and other naturally occurring resources and their extraction is the real culprit behind the 1930’s activity of the Indian Reorganization Act. This research, however, must be put on hold.] On January 3, 1923, the Business Council was modified and tasked with assembling a committee to create a Navajo Tribal Council, (Wilkins 1987). In the absence of other information, one could conclude that the modifications of January 3, 1923 are simply the result of sloppy work. Here, evidence in the primary and secondary literature points to motives of self interest. There is evidence that the January 3, 1923 model was hastily assembled in the wake of the Business Council model because the Business Council model was not accepted as a legitimate body fit to represent the Diné people, (Wilkins 1987). Delegates and
alternate delegates are removable by the Secretary of the Interior and the Navajo Tribal Council can only meet when the Commissioner of Indian Affairs is present. Less apparent is the connection that a Chair and Vice Chair might have with U.S. interests. Regardless, if a Navajo Tribal Council is to be judged as functioning in service of the Diné people, the components must be questioned and the most obvious problems clearly involve conflict of interest. The divergent interests of Diné self governance and U.S. interests continued to haunt the council structure.

The U.S. interest in pushing tribal governments into the envelope of U.S. constitutional model government caused the Navajo Nation to create a Tribal Constitutional Assembly in 1938, (Wilkins 1987). The Tribal Constitutional Assembly was tasked with writing a Navajo constitution. The most obvious failure of the Constitutional assembly is that it failed to write a constitution. The most overt presence of U.S. interest in the assembly is the approval requirement indicating that resolutions cannot take effect unless the Secretary of Interior approves. Less overt, but questionable at the very least, is the condition involving rules for participation as a council member. Any set of rules which govern the participation in any exclusive body must be scrutinized for their discriminating properties to ensure that any unethical exclusions are not allowed to take place. Rules for participation are always subject to power domination, (Lukes 2005). From a functional point of view, the “constitutional assembly” became a “bonafide” legislative body. By bonafide, one can consider how U.S. models for legislative bodies tend to produce professional politicians who, at times, seem more interested in protecting their job security than in serving their constituency. Finally, we know that the original intent of the constitutional assembly was to write a constitution. But when the object was not fulfilled, a much broader scope of governing Diné country was introduced by virtue of the
council voting itself into office, (Wilkins 1987). Left unclear in all of these changes is the impact that each council has today.

It is certainly possible to investigate the true nature of the impact that past Diné governance changes have today but such research is not the focus of the present research. Rather, it is sufficient to understand that a lack of clarity, contradictions, and multiple foci on similar or duplicate issues currently exist. In the twenty-first century, Diné governance functions adequately enough to prevent most Diné people from violently overthrowing it.² Regardless, there are many tough questions which are unclearly addressed. Research of the primary and secondary literature produced ill-defined concepts of what constitutes contemporary Diné governance. One exception is David Wilkins work on Diné governance, (2002a). His work is primarily descriptive. Today there is a Navajo Tribal Council, an advisory committee, a Tribal Council Code which includes a Bill of Rights, a description of Navajo Government Structure and Power, an outline of tribal membership criteria, election laws, outlines for dealing with fiscal matters, various business and commercial statutes, land use/natural resource management criteria, and elements dealing with law and order, (Wilkins 2002a). The most prominent features of contemporary Diné governance involve the three-branch system made up of an executive, a legislative, and a judicial branch.

Presumably, the legislative and executive are derivative of the various tribal councils. There are problems, however, with the Wilkins chart. First, it is unclear if the Wilkins graph represents a normative or a realistic depiction of Diné governance. Second, it remains unclear what impact previous versions of the Tribal Council have on contemporary Diné governance and

² One exception involves a riot in 1989 at Window Rock in which several Dine people were injured or killed, Wilkins, David. 2002a. "Governance within the Navajo Nation: Have Democratic traditions taken Hold?" Wicazo Sa Review 17:91-129.
these impacts are not represented in the Wilkins chart. Third, there is no mention of Diné cultural norms in the Wilkins chart. Without cultural norms, legitimacy is questionable at best. Facing a realistic depiction of Diné governance is a necessary condition for improving Diné governance.

In fairness to Wilkins, his research in (2002a) was constructed for the purpose of answering his research question: “Have democratic traditions taken hold?” Given such a focus, the Wilkins diagram is a wonderful model. To take his model and use it to deconstruct contemporary Diné governance, inject Diné cultural values, and reconstruct contemporary Diné governances stretches the capacity of the Wilkins diagram beyond its limits. Given this stipulation, it is necessary to look at contemporary Diné governance in a different manner. In the tradition of brutal honesty, contemporary Diné governance is messy; much messier than it is depicted as in Wilkins, (2002a). The consequences of a Tribal Code, which allows for rule by resolution, followed by the cementing of the “Rules for the Navajo Tribal Council” set up a situation in which individual Diné people were capable of securing an executive position and consolidating power within the executive branch, (Wilkins 1987). Power consolidation in the executive was later offset by the legislative branch and a judicial branch was added. The relationships between the executive, legislative, and judicial branches were further modified by CD 68-89, (Wilkins 2002a). Left unclear are the ways in which recent modifications have augmented, negated, or left unmodified previously articulated governmental actions.

To be clear, the literature on Diné governance is generally too comfortable relying on mainstream interpretations of history and political science. (There are certainly exceptions and Wilkins is the most obvious and relevant to the current research.) While it is certainly possible to document in detail the many problems inherent in mainstream depictions of Diné governance, it seems to be a much more fruitful endeavor to identify accurate and trustworthy accounts and
work toward developing concepts of Diné governance based on the best information available. Given the above review of the most accurate research on Diné governance, the real contribution to the academic universe, as proposed in this dissertation, is to build concepts based on the Goertz method. Such a project will be necessary if the full potential of concept building is to be realized. One might consider this research to be a model for historic preservation which ties elements of traditional Diné governance to contemporary Diné governance. With a clear idea of what once was and what remains active today, future plans can then be laid. If the reader can only walk away with one idea, it should be that this proposal is meant to do much more than describe the problems in Diné governance today.

D. Organization

The chapters of this research have been arranged in a way that allows us to start off broadly and abstractly. Then, with a general pattern in mind, we can begin to focus in on the specifics of our puzzle. A general idea of Indigenous philosophy and its take on governance allows us to see that there is more in common with Indigenous actors (across tribes) than there is among Indigenous and non-Indigenous actors. While this notion may seem obvious, it is only mentioned to better understand the approaches here. We certainly do not want to have the knee jerk reaction dictate how each and every tribe is unique. While this is certainly true, Indigenous people, once again, have more in common with one another than they do with non-Indigenous cultures especially when considering philosophy and philosophy of governance. Many of the same themes of governance that are generally applicable appear again in Navajo thinking or Diné Bitsahakees. The philosophy of Diné leadership can stand alone as a text, hence, it is only superficially represented here. In no way should one assume that the stories of leadership mentioned here are representative of a comprehensive retelling. Rather, the aspects of Diné
thinking and leadership detailed here are only included in so far as they advance the agenda of the current research.

The same can be stated about the history of the Diné and their governance practices. Pre-contact leadership relies on stories of creation which are not comprehensive. Only details about building concepts of governance are included here as a reference. They are only retold with an eye toward their potential use in contemporary times. The interaction period of the Diné and colonial actors begins with the foundation of the timeline historical approach. Where possible, oral and Diné narratives have been relied upon to expand the picture. It is beyond the scope of this research to give a comprehensive history and we only use the brief governance history approach as a snap shot to see where the Diné have been. The most frustrating and difficult section of the brief history involves the early reservation period. The historical record is simply not present, yet, what little information exists is profound. Contemporary governance is even more compelling because of the overt influence the U.S. tried to exert with varied results. Once again, the above research is referenced as a foundation for building concepts which are relevant today and tomorrow.

The main purpose of this research is to produce useable concepts of governance past and present. As such, it is necessary to be systematic in the approach. I aim at giving the reader explicit instructions on how I assemble the concepts. I do not suppose I have always created the concepts accurately. Readers are invited to modify the way the current author has put concepts together. Chapter three is a detailed set of steps taken to create the subsequent concepts. It is very likely that slight modifications will be necessary if the goal of this research is to be realized. As is warned later on, it may be wise to skip chapter three until after chapter four and five are read
since chapter three contains very few examples of the methods used. The examples themselves are in chapter four and five.

Chapter four and five work together to recreate the image of past and present governance. Here we find the culmination of oral and written history coupled with the concept building method. Readers are invited to be highly scrutinizing here because if we are to go a step further in concept building, we must be absolutely certain that the concepts themselves are as accurate as they can be. Chapter six acknowledges a serious concern. How can we be sure that traditional Diné governance is capable of governing today? I demonstrate, using qualitative comparative analysis, that the resiliency of traditional governance is no accident. Here the evidence is overwhelming that, absent an all out genocide, traditional governance is not easily exterminated. Four factors must be present in order for a traditional institution of governance to go dormant. The assumption here is that if traditional institutions of governance were not relevant today, they would not have survived. Put another way, were it not for the traditional institutions of governance, there would not be Diné people at all.

I look at the current picture of traditional governance in today’s Navajo nation in chapter seven. The general picture is that work needs to be completed, integration needs attention, and skeptics within Navajo nation need to be convinced. More Navajo thinking is offered as it has been explained to me by Diné philosophers. Here we find the foundation for the theoretical answer to why traditional governance is needed today more so than ever before. As was stated at the beginning, the time for remembering leadership teachings has never been better than it is today. Contained here, it is hoped, are the first steps toward becoming an example for all Indigenous governments in the world. Here, philosophy, history, and method are tuned into Diné Bikeyah (Navajo land) with the goal of using this approach on other Indigenous nations in the
future. What do your own people remember? What can these memories do to help your people today?
CHAPTER I. PHILOSOPHY OF INDIGENOUS THINKING

The following research follows from the premise that there is no western philosophy which can represent the thinking of Indigenous people. (This premise is especially true when theorizing about the notion of pre-contact Indigenous thinking). A long tradition in many research fields involving Indigenous people is that some western theory will capture the essence of Indigenous behavior be it in terms of ceremony, resistance to assimilation, or any other type of behavior one can imagine. Here you will find general theories of Indigenous philosophy as a frame influencing why Indigenous people did what they did and do what they do. These are pan-Indigenous philosophies of how to think in general. It is unclear at times which specific group developed general philosophies of Indigenous thinking. What can be said is that the majority of the writings come from Indigenous people that have had access to such thinking processes while growing up.

But to rely on pan-Indigenous philosophy would eschew the opportunity to explore the way traditional Diné teachings discuss problem solving. Diné Bitsahakees, or Navajo thinking, is explored from a general point of view. It will be noticeable later that there is a great deal of overlap between Diné thinking and Diné philosophy of governance. Finally, there is a visit to some general theories of European governance. But, unlike past research, the assumption is not that western philosophies will explain Indigenous behavior; at least not entirely. Rather, one must understand their neighbors and their thinking in order to better interact with them. Thus, it is necessary to understand why colonial actors behaved as they did. A second reason to explore western philosophy of governance is because it explains, in very broad terms, some of the aspects of contemporary Indigenous governance and practices which were adopted (or forced upon) Indigenous people.
A. General Indigenous Knowledge

One of the basic foundations of any culture is its collective knowledge. Collective knowledge is often used to form the basis of governance institutions. Every culture has its own way of collecting its knowledge. To be insultingly general, western culture is known for its repositories of libraries in which specific aspects of their knowledge is credited to individual authors. Indigenous knowledge does not work the same way. If we assume that Indigenous knowledge is a broader construct which has similarities with Diné Indigenous knowledge, then it is beneficial to explore the admittedly abstract idea of thinking, knowing, learning, and understanding Indigenously. Once Indigenous thinking is explored in general, a better understanding of how such thinking is applied to governance will be illuminated.

Probably one of the most difficult ideas to define involves what it means to have or use an Indigenous way of thinking. One of the most innovative doctrines of Indigenous Studies is the peoplehood matrix because it may allow us to define something that is otherwise very abstract, (Holm 1989; Holm, Pearson et al. 2003). Generally, the peoplehood matrix holds that Indigenousness is tied to place territory, ceremony cycle, specific language, and sacred history. Holm, et al, go on to state, “Understanding the interrelationship of the four aspects of peoplehood is essential. No single factor is more important than the others and all necessarily support each other as well as a particular group’s larger sense of identity,” (Holm, Pearson et al. 2003). For now, it is best to leave the discussion of peoplehood to the above although, later, the idea will be further explored. One of the main strengths, and criticisms, of the peoplehood matrix is that it is so broad as to encompass everything. Yet, the notion of peoplehood can be narrowed to fit any precise subject in Indigenous studies. As such, it will be good to explore what it means to know something. This is admittedly a very broad way of framing Indigenous knowledge and
Indigenous ways of knowing. But linking Indigenous knowledge to the four aspects of peoplehood will help to define this broad idea. Regardless, some scholars have theorized that Indigenous knowledge has a set of procedures in place when a question presents itself. In other words, how do people that think Indigenously ask questions and seek answers?

The notion of seeking answers for questions in general can apply to anything in life that poses a problem including questions of governance. In general, consider how the theory of “concentric circles” and “The Asking” operate in isolation, (Cajete 1994). Consider that The Asking, “. . . represents the first stage in the search for meaning and establishment of relationships around one's vision,”. Learners are instructed to focus their dreams, intuition, and desires toward the objective contained in the questions for which answers are sought, (Cajete 1994, pg. 187). Such instructions are hints which point to a relationship between ones dreams, ones intuitions, and ones desires. These three aspects of “The Asking” are related and overlap in the same fashion that is used to describe the theory concentric circles. With the concept of “myth” serving as a miniature case study in concentric circle theory, consider how oral (perhaps sacred) histories are used to connect a time (the past) with a place, another time (the present), an audience, a story teller, and various objects (including the storyteller) which may be used to bring all of these dimensions together, (Cajete 1994, pg. 115-117). The link between “The Asking” and the metaphor of concentric circles assumes all things in nature radiate a ring which can be observed by the individual as long as the perception of the individual is within range of the object radiating a ring. Therefore, one can see “The Asking” as a question which radiates from the individual. All that is being taught here is that the answer will radiate back to the asker in the form of dreams, intuitions, and desires and the asker must be cognizant of the radiation or the answer (response) will be missed.
One can see the very notion of “asking” as an incorporation of as many concentric circles as radiate information regarding the question itself. Understanding need not be limited to the five senses outlined by western culture. Consider, for example, the Diné philosophy of utilizing the five senses identified by Western culture and also utilizing good and bad dreams, (Aronilth 1991, pg. 180). Understanding comes from as many satellites as possible. This is true of anything including questions of governance. Understanding is a puzzle to be assembled in the individual’s mind. The puzzle pieces come from everywhere and can be anything in life. Very little information should be off limits so long as using certain information does not also violate cultural norms. An example of information which might be too risqué to consider might involve the use of traditional Diné stories which are meant to be conveyed during the spring time during a time period when it is not spring. Pitfalls aside, understanding should be a collaboration of various concentric circles which radiate information to the individual. Sometimes the information will conflict but, if the proper attention is given to the most reliable concentric circles (based on an individual’s experience and guided by the knowledge of others), the answer to one’s questions should be more easily ascertained and understanding will be achieved. As a way of making the above connect better to a concrete theory, consider how “asking” and “concentric rings” relate to peoplehood.

Introducing peoplehood will clarify and ground some of the unsettled questions regarding what it means to “think Indigenously”. Consider that sacred history, place territory, specific language, and ceremony cycles all radiate outward toward an individual. The four aspects of peoplehood speak to the individual in an attempt to answer questions which are asked in a manner consistent with Indigenousness. The individual must ask that their dreams, intuitions, and desires are properly situated so that the question can be radiated towards the individual in a
way the individual can receive the answer. In general, we must understand that the questions will not be asked of one aspect of peoplehood. In turn, answers will not be projected from one source. When applied generally to questions of governance, one can imagine individuals asking how to govern a place based on a sacred history of the place to be governed. The asking will take place using a specialized language which might only be known to those in a special position of responsibility. That is, when individuals are obligated to take care of specific Indigenous knowledge, they may also be knowledgeable about specific language which only applies to the protection of said knowledge. At the same time, the person might be equally tasked with governing over his or her people requiring that the correct questions be asked in order to fulfill that responsibility. Along with knowledge of specific language is knowledge of specific ceremonial practices. Only those in a specific context, with specific knowledge, can ask for answers on how to govern their people. Their answers will not only come from what their elders have taught them. Rather, the answers will also come from their dreams, intuitions, desires, sacred history, ceremony cycle, place territory, and specific language. With this standard scheme in mind, let’s explore how Diné people think Indigenously.

B. Diné (Indigenous) Knowledge

One problem with the notion of thinking Indigenously is that it is almost painfully abstract making it seem meaningless. This problem can be solved by linking the notion of thinking Indigenously to a specific Native group. Hence, one must explore Diné Indigenous knowledge. Also, one can assume that Diné thinking should mitigate as much as possible the influence from western philosophy. (Keeping western influence to a minimum gives us a better opportunity of understanding what it means to think in terms of the Diné more organically as it has been defined by Holm et al.), (2003). Before one can explore how Diné people might govern
themselves absent the influence of western culture, we must first discuss how Diné people might think more generally. One of the most fundamental aspects of Diné philosophy involves the four directions. The four directions are associated with many aspects which have impact on day to day life. Navajo directions are Ha’a’aah or east, Shádi’áah or south, E’e’ahh or west, and Náhookǫqs or north. These directions must be acknowledged in a clockwise direction. Each of these directions is associated with a color. Ha’a’aah is associated with ḥigai or white, Shádi’áah is associated with dootł’izh or turquoise, E’e’ahh is associated with listoh or yellow, and Náhookǫqs is associated with ḋizhin or black. Additionally, each direction is associated with a sacred mountain which outlines the area within which Diné people are supposed to live according to the teachings of the Diyin Diné or the creator people. To the east is Sis Naajíí, south is Tsoodzil, west is Dook’o’osliid, and north is Dibé Nitsaa, (Parsons-Yazzie, Speas et al. 2007, pg. 275). Each of these aspects of Diné life have impact on the traditional teachings regarding how to live an individual and a group life.

In addition to the above associations between directions and teachings, Diné traditions also highlight a process of problem solving. The path of the four directions serves as a reflection for ones life not only during a given day but also as a person goes through stages of maturity (birth, adolescence, adulthood, elder). In this way, one can think of their birth and early life as a thinking stage. One must think about what their senses are detecting and try and learn what they can accomplish. At the adolescence stage, a person begins to make plans for the moment, for the day, and for life. As adults, plans made are actualized in a manner consistent with Diné teachings. As one becomes older, one may reflect back on their life so as to pass what they have learned on to others. And while the above can be applied to a lifetime of activity, it can also be applied to a moment of activity. A day’s plan may take the same approach of thinking about your
tasks in the early dawn. By the time the sunrises, one may be planning her activities with an idea about what can and needs to be accomplished. During the day, one is putting their plans in action and trying to accomplish what needs to be accomplished and supplementing their activity by trying to complete what one wants to complete. By sunset, one may be reflecting on their day’s work. One may be thinking of how they may better perform on another day or how their activities were most efficient thereby retaining their behavior for another similar situation. These teachings are linked to the four directions.

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

Research has been conducted on how Diné philosophy can be related to obtaining a college education, (Gorman Keith 2004). In terms of educational philosophy, Nitsáhákees was applied to the “predominant theory about Navajo college students” so as to reconsider what is assumed to be known about Navajo college students by people of European origin (Bilagáanaa), (Gorman Keith 2004, pg. 2). Part of the Nitsáhákees process, as applied by Gorman Keith,
involved the introduction of an Indigenous world view which is contrasted with the scientific method (as it is attributed to western culture), (Gorman Keith 2004, pg. 23). In much the same fashion as was organized here, a pan-Indigenous world view is first introduced as a broad, all encompassing theory. Next, the Diné philosophy of education, which is directly linked to the Diné philosophy of life more generally, is placed within the broader pan-Indigenous theory. One might consider all of the above as the Nitsáhákees process of thinking things out before one takes a step toward planning their operation.

The next step in Diné philosophy is called, “Nahat’á” or planning things out, (Parsons-Yazzie, Speas et al. 2007, pg. 275) The principle of Nahat’á is linked to hózhójígo or moving toward beauty as a means of attaining a college education, (Gorman Keith 2004, pg. 28). Here, principles for life are offered as guides for Diné students to follow in their life pursuits. These principles involve a daily process which, if carried out, is said to benefit the person in their daily, and more long term goals. It may be the first step in planning ones operation be it in education or be it in governing one’s own people. Sistsijí, or beauty in front of me, asks the creator (Diyin Dine’é) to ensure that what one encounters will be of a positive nature. Shikéé déé, or beauty behind me, involves remembering where one has been in life so as to have a good example to follow. Shikéé déé, also asks for the ability to leave beauty along the path one takes. Shiyaagi, or beauty beneath me, seeks strength in the earth by acknowledging that the earth gives one life and asking for that which sustains ones life and, therefore, ones plans. Shík’igi, or beauty from above you, recalls a relationship with father sky by acknowledging that which one obtains from the sky and asking that such gifts assist you in your plan in the future. Still, more acknowledgments and request are necessary.
Shinaadéé, beauty all around, is an acknowledgment of all that surrounds you in terms of environment. This acknowledgment must be made in a clockwise direction so as to ensure continued balance in the process of planning. Schich’į’go, beauty towards me, asks that all in which you encounter be of a good nature. Finally, shizéé’dee, or speaking with beauty, asks that you speak with the above as the foundation of your plans, (Gorman Keith 2004, pg 28-29; Cody 2009). With one’s abilities and gifts in order, further planning is necessary as gifts and other resources require tools to put them to good use. Nahat’à also requires that a person have a certain relationship with the resources one will use to actualize their plan(s). Plans need to be “flexible and open to change” because people are not perfect. People make mistakes and planning for our mistakes is key to ensuring that one’s operation is successful, (Gorman Keith 2004, pg 61-62). With thinking and planning in place, it is now time to take the next step.

A third aspect of Diné philosophy involves Iiná. Iiná might be translated as, “life” but it has much more meaning to it, (Parsons-Yazzie, Speas et al. 2007, pg. 275). In terms of education, one might call Iiná a “lived experience” or otherwise the way in which Navajo college students lived their life in pursuit of their college educations, (Gorman Keith 2004, pg. 83-84). Still, one can see Iiná as the process of carrying out one’s plans they have been preparing for, (Cody 2009). In the end, all of these definitions are correct and are at work in any attempt at governing one’s own people. Even western scholars have a mathematical calculus for such a process known as Bayesian updating. (Note here that the process, in western terms, is associated with a single author while no one person can claim ownership of Diné Bitsáhákees).

The final stage in Diné philosophy calls for reflection or Sihasin. Here the opportunity lies for looking back on what one has accomplished. One is instructed to consider what went well so as to implement such a strategy again in similar situations. One is also instructed to
consider what went wrong. It is in the mistakes that one finds a reason for modifying their strategy. You recognize what you did wrong so that you can have a better strategy in mind when you encounter a similar situation again. Sihasin allows for, “deconstruction and adaptation from a different time”, (Gorman Keith 2004, pg. 147). This lesson seems especially cogent for problems currently faced by Navajo nation in terms of their governance. It should make us wonder what has come from traditional Diné governance. It should make us consider how we can adapt what was traditionally useful to Diné people. It should make us consider how contemporary Diné people might adapt their traditional governance structures to fit its contemporary problems. Although the above philosophy was applied to educational institutions, the lessons can be applied to governance just the same. “. . . college education serves a purpose other than what the institution designed,” (Gorman Keith 2004, pg. 147). We must ask what purpose contemporary Diné governance was designed to carry out. We must not assume that contemporary Diné governance was meant to serve the citizenry it currently is tasked with serving.

The critical phase of the study must now begin. That is, it is time to call everything related to Diné governance into question. This approach is akin to a European organization of an introductory book on political science. Many Euro-American books on political science begin with the philosophical roots of European culture. An entire dissertation can be dedicated to the above notion alone but space limits our discussion here. Such research has never been done because of cultural norms. Western culture can benefit from its own cultural norm of writing down their philosophical political thoughts while Indigenous cultures tend to retain such knowledge orally. Regardless, and reasons for this aside, it is necessary to consider the very fact that the academy currently exhibits a gapping hole regarding what is Indigenous political
philosophy. To be thorough, we must consider what it might mean to have an Indigenous political philosophy. This admittedly brief foray into the subject of Indigenous political philosophy cannot begin to be comprehensive. These limitations in mind, consider the following. No one culture possesses a universal set of truths. We must dismiss the common assumption that European culture claims in their apparent monopoly on said truths. Rather, it is time to put the above ideas regarding Indigenous knowledge to work. Indigenous knowledge is the frame which holds together a contemporary Indigenous philosophy of governance. While Indigenous philosophy of governance is not a universally accepted nor agreed upon thesis of thought, and while no one individual “thinks” Indigenously by virtue of their hereditary make up, it still benefits those interested in solving social ills in Indigenous communities to critically discuss what it means to rely on an Indigenous philosophy of governance.

Indigenous people think Indigenously. Indigenous people ask questions and rely on senses to detect answers and ask questions beyond the normative assumptions which dominate any thought related to English language or European thought. Indigenous thinking orients itself toward its place territory. Indigenous thinking is linked to ceremonial cycles. Indigenous thinking must consider its own oral traditions found in a repository of elders. These knowledge holders may have their own unique language separate and apart from everyday Indigenous language to ensure that the balance between these various aspects of Indigenous culture remains intact. In particular, Diné philosophy might hold that people think about their governance issues, plan their approach to managing said issues, carry out their plan to manage said issues, and reflect on the outcome of their management practices so as to modify their plan in order to actuate a more positive outcome next time. Diné people have specific words which the current author cannot know nor share with non-Diné people. This is because the specific language used
to govern Diné people remains with elders or otherwise qualified knowledge holders. The knowledge meant to govern remains intact someplace in the sacred history, in Diné Bikeyah or in Navajo land, in the ceremony cycle (Naachid), and in specific language. In short, Diné Indigenous philosophy is likely the basis for traditional Diné governance. It is with the above in mind that we turn to specific questions about traditional and contemporary Diné governance.

C. What’s Missing? Answering the “so what” question.

There are several research questions which need to be visited. The research analyzes Diné governance to determine if reform is necessary and, if it is, should reform look at traditional governance for lessons. Research questions are: 1a) Does Diné governance need reform? 1b) Do pre-1923 and post-1923 governance approaches lack cohesion? 1c) Do these two styles need reconciliation? 2) What components make up traditional and contemporary Diné governance? 3a) Should Diné governance take steps toward formalizing international ties with Nations other than the U.S.? 3b) If so, how? 4) What do Diné citizens want from their tribal government? 5) What would a contemporary Diné governance structure look like? Would it integrate traditional governance structures and existing governance institutions as have the peacemaker courts? These questions are incredibly broad but are necessary because the question of governance necessarily touches on a broad section of Diné philosophy. By taking these questions in steps, the scope of this research will be more manageable. For that matter, it will be intriguing to explore areas of western research which are rarely, if ever, applied to any form of tribal governance. The very question of “what is a constitution” deserves attention. Let’s not just assume that the U.S. constitution is the model for all forms of government to follow.

Perhaps one of the most overt questions involving contemporary Diné politics is the question of its current governance form. Much has been made of the reasons why a European
style constitution has not been written down. Herein hides a powerful assumption. It seems that many assume that a lack of written constitution equals the lack of a constitution all together. Let’s not assume that written constitution is the epitome of constitutions. Secondly, debate remains about the necessity or non-necessity for Diné people to vote on their own form of government. The first opportunity for the Navajo Nation to adopt a constitution, that is a system of government resembling a U.S. constitutional model, came in 1935 in the wake of the Indian Reorganization Act of 1934. As an alternative to a U.S. constitution model, a set of rules were instead adopted to govern the behavior of a Navajo Tribal Council. The rules created in 1935 were then collected and codified in 1962 into the first version of what is now called the Navajo Tribal Code and remains subject to amendment by the Navajo Tribal Council, (Wilkins 1987). Rather than record the origin of Navajo authority and link such authority as deriving from the Navajo citizenry, the Navajo Tribal Code instead derives its authority from a set of what political sociologists might call norms and sanctions. Socially constructed norms and sanctions often are reflected in societies which choose not to record and codify rules in a form which resembles a European constitution. Rather, as is the case in traditional Dine governance, norms are unwritten and observed by tribal leaders and violations of such unwritten norms are subject to sanctioning when a norm is not followed as according to Dine custom. By the mid-1930’s, the U.S. was more interested in promoting general reorganization of tribal governance which is why the Navajo Nation first adopted the “Rules for the Navajo Tribal Council” in the first place, (Wilkins 1987). The theory of social constructivism may illuminate why the IRA era took place.

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

One error that is injected into the Indian Reorganization Act era is the notion that constitutional democratic governance is universally good and effective for all humans on the planet or maybe even the universe. Sociologists have recognized for decades that such an assumption is problematic at best (Sartori 1970) and a grab for power at worst, (Lukes 2005). To assume that Diné people of their respective eras were somehow mislead or unsophisticated to the point that they rejected the “great gift” of democratic constitutional governance is ethnocentric and condescending. The question of constitutional governance is better understood using the concept building method. For now, it is best to understand that the implicit assumptions discussed above are the basis for the research to come. At the same time, this research needs to carve out its place in terms of political science international relations theory.

For this researcher, it is a no brainer that questions involving Indigenous governance more generally are political questions first and foremost. Yet, the very nature of the political science discipline assumes that Indigenous actors are domestic issues that are necessarily to be
dealt with under the supervision of their respective colonizing state. Political scientists of today are ignoring the vast literature on the history of “Indian Tribes” as international actors, (Deloria and DeMallie 1999). In this instance, the only qualitative difference between a “treaty” and an “Indian Treaty” appears to be the race of the signatories. As such, the nature of race seems to have been swept under the rug but the assumption that Indian treaties are inferior to other international agreements remains unchecked. Why? Some argue that theories of international relations fail to explain the interaction between Indigenous groups and colonial actors. For the naysayer, consider the following.

One of the most prominent theories of international relations does an alarmingly good job of explaining the diversity of interactions that we find evidence for in the primary and secondary literature on colonialism in general. Perhaps because it explains everything or perhaps because the theory was generated in retrospect, realisms explanatory power is useful to the current research. There are six main assumptions inherent in realism:

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

Besides the fact that every one of these assumptions is applicable to almost every interaction that has taken place between Indigenous people and European colonial actors since 1492, these assumptions more specifically inform the nature of interaction between Diné policy makers since treaty making up until today. What’s more, the assumptions of realism were, in part, adopted by many Indigenous communities which survived into the 21st century. If one would accept a leap
of faith, one might conclude that tribes which do not exist today either refused or failed to adopt realist assumptions of nation building. A second theory of international relations elaborates on the above point.

The theory social constructivism is a loose set of principles which state that humans create culture in a manner in which the best outcomes are the primary goals given the available options (and the existing parameters) for achieving said goals. When applied to international relations theory, the notion that states have increasingly adopted a set of liberal norms because of the fear that sanctions will prevent economic development in the global political economy has been touched on given various contexts, (Wendt 1992; Finnemore 2001; Schimmelfennig 2001; Checkel 2005; Polillo 2005; Tannenwald 2005; Zürn 2005). But social constructivism has rarely been applied to pre-19th century international interactions and has never been applied to the interaction between Indigenous people and colonial actors. Regardless, a recent treatment of the history of the Southwest gives credence to the notion that Indigenous peoples adopted assumptions of realism in a manner consistent with the theory of social constructivism.

A mainstream history of the southwest indicates that Spaniards, French, English, and Indian actors all interacted in a war like fashion. Long story short: the cowboys beat the Indians in various wars and now the Indians are trapped in reservation life. The mythology of the era was that it was just a matter of time before primitive Indians died off. A contemporary reinterpretation of the history is that a superior military power (Europeans) simply conquered an inferior military power (Indians). Yet recent research indicates that tribes of the southwest adopted aspects of European colonial behavior. Consider an example of theoretical fit based on a history of the southwest. A good reason to point to this history is because author Ned Blackhawk produced an enormous amount of work on the subject of the Indigenous southwest. Since
accounts of the nature produced by Blackhawk are rare, there are few other places to apply the theory of social constructivism.

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

The history of the Utes, genizarios, and Spanish colonizers fits within the theory of social constructivism well. With the arrival of the Spanish, the Ute political economy was impacted negatively. As a result, Ute tribes modified their political economy to include the lucrative aspects of the slave trade. Ute tribes gained an advantage over other tribes by securing the horse and advanced technology guns. The combination of the horse and the gun afforded the Utes an ability to raid non-horse tribes and kidnap Indigenous people to be sold as slaves to the Spanish.

It is not necessary for us to understand why certain tribes could not or did not secure horses and take part in the slave trade of the southwest region. What is relevant here is that one can argue how Utes adopted the realist assumptions of amassing resources via military and economic
domination of the region. For whatever reason, the people that became genizarios were incapable or unwilling to assume realist tendencies and, as a result, their own attachment to their tribes (state) was eliminated. And while there are plenty of other examples of Indigenous people adopting realist assumptions throughout the history of colonialism, it is hoped that this example is appropriate to make the point that the theory of social constructivism applies. In fact, realist assumptions can be found in contemporary Diné governance institutions.

It will be demonstrated that Diné governances was itself impacted by the emergence of realist colonial actors. One result was the need to give up (or allow dormancy to preserve) traditional Diné governance institutions such as the Naachid just after the Long Walk. A second impact came in 1923 when realist actors (The U.S., corporations, etc.) discovered resources to monopolize on the Navajo reservation forcing Diné leadership to react by adopting business councils with implied realist assumptions. Still, another theory must be relied upon to explain why all Indigenous actors did not simply assimilate to every notion of realism and, thus, disappear entirely. In other words, what explains why a Naachid might hold value as defined by average Diné people today? The theory of peoplehood may help explain why the dormancy of the traditional Diné governance is a realistic expectation.

Recall that peoplehood explains that within place territory, ceremony cycle, specific language, and sacred history one will find the very essence of an Indigenous people. Since two of these aspects can be more easily hidden, specific language and sacred history, herein lies the seeds for remembering specific Indigenous approaches to organizing themselves. This research builds on theoretical frames which predict that the time for tolerance and acceptance of Indigenous knowledge, specifically Diné philosophies of governance is better now than it has been since 1492. These theories explain how aspects of Diné philosophies were lost to realism. It
also frames how aspects of Diné philosophies remain dormant today in the minds of elders and in the dreams of those unknown to us. Perhaps credit can be given to previous Diné policy makers for taking steps to expand the place territory of the Diné to such a point that remote pockets could be utilized to continue with ceremonial practices. It is here that one is likely to find the Diné philosophies of governance, among other aspects of Diné culture, which remain dormant and thirsty for a drop of water.
CHAPTER II. HISTORY OF DINÉ GOVERNANCE

What follows here is a truncated history of Diné governance. There are some gaps which are left, among other things, due to an imbalance between the massive record on the period of treaty making and a massive gap involving the period between 1868 to 1923. It is impossible to produce a comprehensive history in such a short amount of pages and the intent of this research was not a history. Rather, an attempt has been made to fill non-Native history gaps with Diné accounts of their own history. Where possible, the Diné accounts are supplemented by placing the context of time into the narrative. Ultimately, the concern here is to better understand Diné thinking and interpretation of their own creation, their interaction with colonial actors, their interaction with corporate America, and their eventual need to regain control of their own futures. The first section looks at the traditional stories involving Naat’áanii and the relationship that they are obligated to have with their own people and their creator. A detailed account of these stories can be found in Ancita Benally’s dissertation, (2006). The account contained here is brief and does not do much more than set the context for looking at the research questions.

As we all well know, colonial actors began encroaching on Diné land forcing the Diné leaders to change their way of life and style of leadership. In an effort to gain insight around the Diné leadership’s intentions involving various events that are well established by the western record, treaty negotiations are examined. The treaty record is supplemented with accounts and oral narratives of the same time period. The intention here is to see how pre-contact thinking permeates to the contact period and to understand how European philosophies are inconsistent with Diné thinking (and vice versa) that a meeting of the minds never took place. Note specifically how the colonial actor leadership fails to give much respect to Diné leadership. With the last treaty commenced, the seemingly under investigated period between 1868 and 1923 is
examined. Here one should note how the Diné philosophy of leadership is once again at work. But consider that there may be a concerted effort to stop international interaction by virtue of the end of the Naachid after the return from the Long Walk. The period is also notable because a great deal of the pre-1868 leadership is replaced by Navajos hand picked by the U.S. This period is followed by the introduction of corporate interests and the business councils. The quickly changing and seemingly haphazard institutions, which survive in modified form today, mark a deviation away from traditional notions of Diné governance and leadership. As such, we need to revisit Diné history ask again what impact Diné governance philosophy might have on contemporary governance.

A. Traditional Diné Governance

As stated above, Indigenous political philosophy, a discipline that lacks substantive attention in academia, is really the driving force behind any accurate academic work on pre-Colombian Indigenous governance. (Some prominent Indigenous philosophy research includes the following: (Deloria 1973; Deloria 1979; Deloria 1985; Deloria 1988; Holm 1989; Deloria 1997; Holm, Pearson et al. 2003; Deloria 2006). The lack of dialogue on notions of what is Indigenous political philosophy is the major shortcoming of almost every writing in existence on Indigenous governance, (Wilkins 2003; Blackhawk 2006). There are many reasons why the dialogue on Indigenous political philosophy is hindered. In part it may be because of disciplinary lines. The current author tends to rely on academic research written by historians, political scientists, lawyers, and linguists, thereby spanning across multiple disciplines. The tendency is not so much based on bias as it is on academic training and the yearning to seek out others with similar thought paths. Specifically, academics in the various fields may be more likely to be members of the groups they study (Native academics studying their own people) and willing to
uncover facts which may not place Indigenous people in the most positive light. A second qualification may be that the scholars relied upon here tend to be forward looking meaning that they search for answers to today’s problems while being mindful of oral traditions on how to solve problems. Thus, we are right back to square one regarding Indigenous political philosophy. Yet, even naming any philosophical thought process is limiting since compartmentalizing topics such as Indigenous governance into western categories such as political science is not neat. Still, taking an interdisciplinary approach may invite a far too broad perspective leaving the reader with a more superficial feeling after delving into admittedly complex subject matter. Maintaining a balance will be difficult and everyone will not be satisfied with the result contained here.

A final note regarding primary and secondary sources, broadly defined to include oral histories, deserves attention. In short, oral histories do not sit in libraries waiting to be archived. Rather, one of the best defenses to genocidal acts against a people is to simply shut ones mouth. This strategy has worked to protect many Indigenous cultures as evidenced by their continued existence today. Still, memory is a strong attribute that can be passed on from generation to generation. Academic research is very low on the priority list of reasons to divulge sacred stories about governance. Other published work will push the idea that “not much is known” about a given topic. While such an occurrence is at work, we must also accept the likelihood that many of the questions involving traditional Diné governance are not appropriate for sharing.

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

The first treaty ratified by the United States is endemic of the overall problems referenced above. The Treaty of 1849 had problems because the Diné signatories, Mariano Martinez and Chapitone, were minor headmen of unknown regions. Evidence suggests that they were selected to sign on behalf of the Diné because major Headman, a Hózhóji Naat’áanii, Narbonna had recently been killed. (More details about this event will be discussed later.) In the wake of Narbonna’s death, other major headman linked to Manuelito refused to participate in the negotiations, (Wilkins 2003, pg. 74). Hence, the legitimacy of the treaty must be called into question. Regardless, the treaty language, all in English, regards the Diné signatories as representative of the Navajo Nation:

The following acknowledgements, declarations, and stipulations, have been duly considered, and are now solemnly adopted and proclaimed by the undersigned: . . . .Mariano Martinez, Head Chief, and Chapitone, second Chief, on the part of the Navajo tribe of Indians. (Deloria and DeMallie 1999; Wilkins 2003, pg. 225)
As may be obvious, problems emerged when bands of Diné people that did not agree to the terms of a treaty. Secondly, some bands may have been unaware of a treaty being signed between themselves and the U.S. As such, how can these bands have been legitimately expected to agree to the treaty terms? Ignorance of treaty terms precludes compliance. Alternatively, awareness of a treaty signed by minor members of a group of people that might share linguistic and other geographic traits is a questionable premise upon which to base a nation to nation contractual agreement. This example is offered to make a larger point about the inability, for whatever reason, of colonial actors to truly understand traditional Diné governance.

While it may seem odd to discuss the history of the Diné out of chronological order, the reason in organizing the history this way is to put the myth of Diné history on the table only to dispel it or at least call it into question. Hence, a need to build upon the Diné philosophy outlined above. We have explored Diné Bitsahakees but we have yet to connect this philosophy to the philosophy of Diné leadership. A seminal piece on leadership philosophy is contained in a dissertation entitled, “Diné Binnahat’a, Navajo Government,” (Benally 2006). Here, a detailed account of the link between the Diné creation story and its impact on leadership qualities exists. The scope if this dissertation limits the discussion to key points and limited detail.

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

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

(Benally 2006, pg. 2)

Here is evidence of a common theme found in European philosophy of governance which has yet to be expressed for Indigenous societies. All European philosophers of politics and governance express a foundational normative assumption that society is not meant to live in chaos and that order is the benefit of having governance. In this respect, the Diné are no different. The similarities end, however, in which the morality of European governance fails to be held as sacred no more than a handful of elite decision makers and gate keepers. Diné philosophy of governance, on the other hand, is something to be revered by all Diné people at least up until the time of contact with European people. The story of traditional Diné governance is founded in exceptional leadership qualities of particular individuals.

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

Unclear is the exact point at which it became necessary to deal with balance and harmony. But rather clear is the impact that good and bad have come to guide Diné people in their efforts to maintain the balance and harmony their creators instructed them to strive for. Here notions of Hózhóójí and Naayée’jí find their basis and remain today a system used to balance good alongside the bad. Leaders, therefore, were instructed on how to ensure that society and political order is maintained by use of Hózhóójí and Naayée’jí, (Benally 2006, pg. 11). The story goes on to detail a feud between First Man and First Woman in which each has affairs and they bare children outside of their union. This leads to fighting among the led. The story embodies the result of genders not working together to compliment one another. The genders make up eventually but must deal with the consequences of their misdeeds, i.e. the children. One of the illicit affairs took place between White Shell Woman and Sun Bearer. White Shell Woman gave birth to twin boys. The boys go on to slay the other children born of illicit affairs but 7 are spared as they plead for mercy. The seven remaining are hunger, thirst, sleep, lice, indolent poverty, old age, and death, (Benally 2006, pg. 12-14). It is said that the Kinaalda of White Shell Woman is the basis for Hózhóójí and the act of the twin boys ushered in Naayée’jí Nahaghá. Note how each was necessary for the Diné to exist in balance and harmony and that one will destroy while the other will allow others to destroy or protect the society. As such both are
necessary ways of governing. Another aspect of leadership involves tying people together in a way that ensures that obligations, responsibilities and benefits are shared. This notion is maintained by virtue of k’é or loosely known as clan. This organization ensured, among other things, that people knew not only what they were responsible for doing but also ensured that people knew what they were entitled to, (Benally 2006, pg. 16). All of the above paints a very different picture than that depicted by western scholarship.

Traditional stories of existing and traversing various realms based on the teachings of leadership skills can be taken literally or figuratively. For those that take these stories literally, and many still do, the question must be asked, “Why have such a process of leadership if there is a lack of central Diné leadership?” The above is akin to discovering the foundation of a building only to conclude that a building never stood where the foundation remains. This, hopefully, leaves us with a better context for understand the Naachid, or the only remaining knowledge that has been shared regarding centralized Diné governance.

Historical documents indicate that a Naachid met up occasionally to deal with issues which impacted more than one group of Diné that were lead by a single Naat’áanii. Several Naat’áanii, between 12 and 24, would get together to discuss issues which impacted all Diné people, (Wilkins 2003, pg. 70-71; Benally 2006, pg. 28). The western term for Naat’áanii might be headman, (Benally 2006, pg. 28). Scant details reveal that the Naachid may have meet every 2 to 4 years while other records suggest the meetings were not so mechanical, (Wilkins 2003, pg. 71). Records agree that the Naachid was called during a period of crisis regardless of the number of years since the last Naachid, (Wilkins 2003, pg. 71; Benally 2006, pg. 28). Some state that the crisis at hand was what dictated which Naat’áanii had the floor. During periods of war, it is said that the Naayéé’jí Naat’áanii had the floor. During periods of non-war, the floor was held by the
Hóózhóójí Naat’áanii, (Wilkins 2003, pg. 71). Yet one must wonder if the division was this exact. Since Diné philosophy requires that both approaches compliment one another, one must reconsider the notions of who was in charge. It might be better to assume that crises merely allowed one group or the other to set the agenda. One of the most detailed accounts of how the last known Naachid was carried out comes from Raymond D. Austin’s dissertation entitled, “Navajo Courts and Navajo Common Law”. (2007). Austin states that the last known Naachid took place in the 1850’s at Tsin Sikaad (Lone Tree), an area about 12-14 miles northeast of current day Chinle (Chi’in’ili), (Austin 2007, pg. 28). A floor plan of the layout is included in figure 2.1. Here, a large ceremonial Hogan (Hooghan) was constructed with a diameter of 40 feet, (Austin 2007, pg. 29). Peace leaders sat on the south side of the Hogan and the war leaders sat on the north side. Balance was maintained by having the families of the war leaders sleep on the south side of the ceremonial Hogan where the peace leaders sit during the Naachid. Families of the peace leaders resided on the north side of the Hogan near the seating of the war leaders during the ceremonial proceedings, (Austin 2007, pg. 29-30). One can speculate that this was consistent with the notion of Alch’í’í Sila. Further, Austin suggests that the living arrangements are consistent with Navajo common law, (Austin 2007, pg. 30). Still, debate among scholars points to questions involving the purpose of the Naachid.

Figure 2.1 here

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

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

Yet, there is no mention of ways in which crises not related to war or hunting were dealt with. She assumes that Naachid gatherings might be related to what contemporary political scientists call issues of foreign policy. The ability to feed ones people is a foreign policy question today because it requires that the state secure itself to the point that it can grow and distribute food to all its citizens. Thus, one might consider a lack of prey for hunting a foreign policy problem. Simultaneously, the issue of war is most obviously a foreign policy question. Benally correctly wonders how issues related to internal or domestic crises were dealt with. Benally links these issues to the domain of Hózhóójí and wonders how clans were adopted by the Diné. Since accepting refugees into a society today is probably best considered a domestic affair of immigration and naturalization, it makes sense that some form of gathering must have been convened to deal with adopting clans at the very least, (Benally 2006, pg. 32-33). There is other evidence to support Benally’s argument that she herself did not offer in her writings.

A similar argument is offered in a book called, “Violence Over the Land,” (2006). An overly simplified take on the argument is that because western historians rely on primary and secondary research sources, the oral traditions of Indigenous communities (the primary and secondary sources of Indigenous people) are left out of their research. Therefore, as Blackhawk demonstrates, by relying on European and Indigenous sources, a new take on the history of the Southwest emerges in which Indigenous actors appear much more active in shaping the
southwest. The same can be offered regarding the anthropological record regarding Diné people. Could it be that anthropologists of the era were much more interested in recording the recollections of men? Since men run the European cultures, it might be that European men simply assumed that Indigenous communities did the same. Therefore, no one bothered to talk to women regarding the record on a feminized ceremonial gathering similar and complimentary to the Naachid. Similar arguments are made regarding the recording of oral stories of various Indigenous peoples, (Deloria 2006). Another aspect is that Diné cultural norms of the time would have prevented Diné women from being alone with a strange man. Two aspects are at work here. In the first place, Diné women were not to talk to men of any ethnicity unless it was their husband or a relative. So unless a white male anthropologist was married or related to a Diné Naat’áanii woman, alone time would have been a cultural norm violation. A second issue is that interaction with a person not related to the Diné was probably considered an issue of Naayéé’jí or protection way. In western terms, dealing with a non-Navajo was a question of foreign policy. These occurrences conspired to obscure the feminized complimentary version of the Naachid.

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

B. Interacting with the Colonial Actors

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

1. Relations with Spain

What follows is an historical account of the international relations of the Diné with Spain. The known treaties are included in Table 2.1. It is almost exclusively based on the archival records on treaties. Many questions remain about the motives of the Spanish and the actual thinking of the Diné negotiators but this information is practically none existent. The archival record is supplemented with historical events of the era.

Spanish Indigenous relations in general begin around 1516. The Spanish are said to have arrived by 1519 off the coast of Veracruz. By 1521, Spain had overrun what would become Mexico City and set up a colony christened New Spain, (Foster 1997, pg. 233). The general
pattern of conquest was to subdue the Indigenous population by war and disease where possible. (The disease aspect of annihilation was an accident of luck for the Spanish more than anything else.) Regardless, the Spanish crown was unable to subdue all the Indigenous populations by use of military force and their diseases could only spread as far as their physical presence was tolerated. It is under these circumstances that Spain went into negotiations to appease the stronger Indigenous groups that were too far from Mexico City to be militarily conquered.

Another factor was that many Indigenous groups were too strong to be overrun militarily. Spain, recognized their relatively weak position and chose to appear strong and intimidating on paper. It is under these circumstances that Spain entered into treaties with Diné people.

Table 2.1 – Treaties with Spain [Source: (Wilkins 2003, pg. 21-22)]

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>1706</td>
<td>Santa Fe</td>
<td>Peace and Alliance</td>
</tr>
<tr>
<td>1786</td>
<td>Rio Puerco River</td>
<td>Military Alliance</td>
</tr>
<tr>
<td>May 12, 1805</td>
<td>Jemez Pueblo</td>
<td>Peace, trade, and alliance; exchange of prisoners</td>
</tr>
<tr>
<td>Aug. 21, 1819</td>
<td>Jemez Pueblo(?)</td>
<td>Peace, return of Navajo captives</td>
</tr>
</tbody>
</table>

The record on the first contact between Diné people and the Spanish is scant. The first known contact apparently occurred in 1583 when Antonio de Espejo, a Spanish explorer, encountered the Diné in present day New Mexico, (Wilkins 2003, pg. 203). When specifically related to Diné and Spanish relations, there are no records of treaties prior to the 1620’s. The earliest known peace treaty was arranged by a Spaniard named Fray Alonso de Benavides in his efforts to convert Diné to Christianity. This account dates back to the 1620’s and there is apparently no record of the negotiation itself, (Brugge and Correll 1971). It is believed that extensive slave raids against the Diné began around 1620 and probably involved the Spanish and other Indigenous tribes of the southwest, (Wilkins 2003, pg. 204). These raids would obviously
create a hostile relationship between the Diné and the Spanish. Treaty evidence is again found in 1706 yet no written form survives. Scholars like Brugge and Correll are left to assume that verbal agreements were used to end conflict. While Brugge and Correll conclude that no treaties during the 1700’s exist between Spain and the Diné, they fail to note apparent discoveries made by Kappler, as well as Deloria and DeMaillie, (United States., United States. et al. 1903; United States., United States. et al. 1904; Brugge and Correll 1971, pg. 2; United States., Kappler et al. 1971; United States. and Kappler 1972; Deloria and DeMallie 1999, pg. 133).

While not an actual treaty, a description of action taken by Spanish authorities to deal with an apparent conspiracy to cause harm to the Spanish crown serves as details of early forms of treaty making between Diné and Spanish peoples. This document is a letter to the governor of New Mexico Don Juan Bautista. The document is attributed to an alliance between the Diné and the Gila Apache in which both tribes made war against the Spanish, (Deloria and DeMallie 1999, pg. 133; Wilkins 2003, pg. 204). This is the first recorded instance in which the Spanish hand picked a Navajo man to be the supposed Chief of the entire nation, (Wilkins 2003, pg. 205). The language depicts the Spanish as in charge of the area. The Diné are chastised for their “lack of confidence” and their “mistaken conduct in not declaring themselves openly and generally against the Apaches.”, (Deloria and DeMallie 1999, pg. 133) The note implies a “great benefit” the Diné would receive for agreeing to declare allegiance to the Spanish in their conflict with the Apache. The document goes on to indicate the need for an intermediary to handle any “misunderstandings” that may come up during the course of the agreement. The term “misunderstandings” is never explicitly defined or elaborated upon. In the end, there are five named requirements that the Diné are expected to hold steadfastly to:

1. That they maintaining as they proposed the required subordination and fidelity, the protection of the king would be sought and declared in their favor.
2. That to bring about the declaration of war against the Gilas one of the chiefs named with only Navajos and the interpreter should set out on a campaign at the will of the governor at the end of July of this year, so that besides their performance in the past year, the enemies might have this new proof that the Navajos were now moving frankly and voluntarily against them.

3. That from the people who might not be included in this expedition, that chief should hold out those whom he might consider fit to go as auxiliaries with the monthly detachments of troops this reinforcement he fixed right there at thirty individuals each month; for these individuals the Navajo accepted with much gratitude the aid of horses and supplies dispensed by the Commandancy-General.

4. That from the moment the council was dissolved they should go down to occupy their old camps to plant their seeds, and that, concerning the security which the governor guaranteed them in conserving the sustaining them in that situation, they could proceed to build sod huts.

5. Lastly, that for these ends proposed and to prove their acquittance, they received and assured on their part the life of the interpreter offering to be directed by his advice. (Deloria and DeMallie 1999, pg. 134)

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

Such language cannot be assumed to be the actual terms that Diné people and the Spaniards spoke of agreeing to. There is no evidence of a meeting of the minds. There really is no way to know exactly what language was used during negotiations. There also is no way to understand if any of the negotiations were embellished when the letter to Don Juan Bautista, the governor of New Mexico at the time, was written. What can be established is that the language used was condescending toward Diné people. The language was meant to impress a sense of superiority on the part of the Spanish with veiled threats of harm as well as explicit promises of
great benefits to be bestowed upon those that lived up to the letter of the treaty. When one considers the actual military might of the Spanish in relation to the Diné, one can safely conclude that the treaty was more bark and less bite; a true indication of the Spanish ability to bite.

Early treaties kept the same form using condescending language and making implied and explicit threats that had less ability to be implemented. The first written treaty appears in 1805 following a bitter war between the Diné and the Spanish, (Brugge and Correll 1971, pg. 2). It was during a long year of war with the Spanish and after 100 Diné people were killed that several bands of Diné people sought peace, (Wilkins 2003, pg. 205). The representatives involved were Fernando Chacon, governor of New Mexico and Cristobal and Vicente of the Diné, (Deloria and DeMallie 1999, pg. 144). A prior proposal for a treaty drafted by Chacon, Spanish governor of the region, was said to have contained harsh language. Limits were placed on territory of the Diné, stock taken by the Spanish during the war was not to be returned, a disproportionate amount of Diné captives were to be returned compared to the number of Spanish captives demanded in return, and no gifts or food were to be given to the Diné when they needed to visit Santa Fe to see the governor regarding acts of diplomacy, (Brugge and Correll 1971, pg. 3). This proposal was not used to make peace with the Diné for reasons unknown. Some scholars suspect the action of Spain yields the answer.

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

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

The terms, in general, are far more neutral than the treaty of 1786. Condition one reads like an agreement, ceding the area of Cebolleta, a place where the Spanish had established a settlement, (Brugge and Correll 1971, pg. 3). While condition two does not read as reciprocal, it should be in reference to condition five in which sixteen prisoners are “handed over reciprocally” in return for the two children mentioned in condition two. Condition three is an alliance between the Spanish and the Diné. One could interpret this clause, in light of the last alliance made in 1786, as evidence that the Diné were now considered a military power capable of bringing a benefit to the Spanish. Although the language is not reciprocal in that the Spanish are not obligated to defend the Diné, the clause reads like a mutual agreement to which the Diné have accepted without coercion. Condition four is a jurisdictional clause allowing the Spanish to punish Diné that commit crimes against the crown. The 1805 treaty is devoid of condescending language indicating that the nature of the relationship may have changed. War with the Diné may have forced the Spanish to respect their enemy.

What can be ascertained by the two treaties examined is the change in the relationship between Diné and Spanish people. A final treaty between the two was signed August 21, 1819 and has been characterized as, “one of the longest and most complex treaties ever made with the tribe.” (Brugge and Correll 1971, pg. 5) Here, the Spanish have selected to enter into a treaty with a Naat’áanii named Joaquin. Joaquin went to the Spanish in an effort to make peace. He also warned the Spanish that other Naat’áanii were preparing for war because they remained angry over land encroachment. Joaquin’s actions (which included moving away from other Diné
bands and cutting ties) placed him in the position of traitor to his own people, (Wilkins 2003, pg. 72). Despite this situation, the Spanish considered Joaquin the “Chief” of the Navajos as is apparent by his signature at the bottom of the treaty of 1819. A total of eighteen conditions are listed yet some of these numbered notations can be condensed into far fewer conditions. The treaty first establishes an intermediary, seemingly to prevent confusion concerning who the Spanish should address when problems arose. It is clear that the Spanish want to have the Diné name a leader in the same form that they have made their own leaders known. This leader will be required to live near a Spanish intermediary to help solve problems before they erupt into war. Punishment for crimes against Diné by Spaniards and vice versa is to be meted out according to a negotiated agreement on a case by case basis. Yet this condition is backed away from in the next condition stating that if the offender is Diné, the person will be punished by the Spanish because the Diné lack the ability to properly punish individuals and extract compensation. Should the offender be Spanish, the Spanish government will decide what punishment and compensation is necessary.

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

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

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

The other conditions follow almost reciprocally allowing for livestock to be raised by Spanish on Diné land, and no Diné land was ceded. If anything, condition twelve established an informal knowledge of boundaries the Diné have always considered relevant. Arrangements were made for the appointment of “hostages”. These were Diné people who were to stay with the Spaniards and to be relieved of their duty upon their replacement with an equal amount of individuals. The treaty even takes jurisdiction over Hopi by making the agreement that the Diné are not to disturb them. Condition seventeen is interesting in that the Spanish attitude is once again made apparent:

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

This condition may prove slightly more difficult to rule as condescending due to the lack of direct language stating such. However, since other passages in this same treaty assume a place of superiority, it cannot be imaginable that this position would be relinquished by the Spanish mid treaty. The first suspect phrase is “beneficial situation” which should be taken to mean the beneficial situation that the Spanish wish to find themselves in. There is no evidence that the Spanish presence is really beneficial to the Diné. The next line hints at the need for the Spanish to have the Diné behave as Europeans by “tranquilly cultivat[ing] their lands.” But the most obvious point of assumed Spanish superiority involves the statement placing the Spanish
Monarch in the role of “protector” of the Diné. The language is poorly written in that the phrase “as the superior government” could be taken to mean the Diné as that superior government.

However, for reasons forwarded earlier, the Spanish are represented as the superior government. Regardless, when only one Naat’áanii signs and that single Naat’áanii is considered to be a traitor to other Diné people, one should have little confidence that the treaty of 1821 would bring lasting peace.

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

2. Relations with Mexico

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

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 29, 1822</td>
<td>Zia Pueblo</td>
<td>Peace, trade, return of all white captives</td>
</tr>
<tr>
<td>Feb. 12, 1823</td>
<td>Paguate Pueblo</td>
<td>Peace, return of all white captives</td>
</tr>
<tr>
<td>Jan. 20, 1824</td>
<td>Jemez Pueblo</td>
<td>Peace</td>
</tr>
<tr>
<td>June 18, 1824</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>1835</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>July 15, 1839</td>
<td>Jemez Pueblo</td>
<td>Peace, trade, and alliance; return of all white captives</td>
</tr>
<tr>
<td>March 10, 1841</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Event</td>
<td>Date</td>
<td>Location</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>next treaty (1841)</td>
<td>?</td>
<td></td>
</tr>
<tr>
<td>treaty</td>
<td>May 1841</td>
<td>Santo Domingo Pueblo</td>
</tr>
<tr>
<td>treaty</td>
<td>May 8, 1841</td>
<td>Santo Domingo Pueblo</td>
</tr>
<tr>
<td>treaty</td>
<td>Mar. 23, 1844</td>
<td>Santo Domingo Pueblo</td>
</tr>
</tbody>
</table>

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

By 1821, the Treaty of Cordova made all Indigenous peoples in the territory claimed by Mexico citizens of Mexico. Facundo Melgares, governor of New Mexico, was the diplomat responsible for negotiating peace between the Spanish government and Diné and he survived the transition to independence overseeing the first treaty between the Diné and Mexico. During 1822, a delegation of 13 Hozhoji Naat’áanii approached the Mexican government officials. Diné philosophy of governance should indicate to us that had the delegation been interested in war, the Nayęji Naat’áanii would have made contact. The Mexican officials killed the Naat’áanii for reasons unclear to us today, (Wilkins 2003, pg. 205). Secondary reporting of written negotiations indicates Melgares wanted to be much harsher than the finalized treaty of October 29, 1822. Some demands included a return of “apostates” which some scholars believe were Pueblo
refugees under Diné protection. Additionally, boundary restrictions appear in negotiation documents unavailable to this researcher. All of these demands were to be enforced under threat of resuming the war. Past researchers point out that the actual treaty lacks the harsh language proffered in negotiation documents. Most intriguing is the boundary restriction language being eliminated from the treaty, (Brugge and Correll 1971, pg. 7). One inference to be drawn is the inability for Mexico to enforce many demands made. Another inference is that the Diné recognized the impotence of Mexico thereby forcing the boundary restriction language to be eliminated from the treaty. Such inferences are supported by the previously documented problems Mexico inherited upon independence.

The 1822 treaty still has condescending language placing Mexico in an apparent position of power it lacked. The treaty of 1822 stated that peace was granted by the Spanish. A second clause indicates that past treaties will remain in force. Clauses three through seven taper off in harsh language and indicate a sense of parity between the negotiating parties. Such clauses include a stipulation that all parties “forget” the injuries caused forever, Diné remain at liberty to trade and travel within Mexican provinces (probably meant to specify the province of New Mexico) and the offer of a general to the Diné is made, (Deloria and DeMallie 1999, pg. 149). Only speculation can be offered as to why the next treaty was drawn up.

For reasons that cannot be ascertained at this time, a treaty was drawn up between Diné and Mexico. Reports by historians indicate that no war took place in 1823 between Diné and Mexico. Histories of Mexico and New Mexico do not indicate anything outstanding that may warrant peace negotiation or re-negotiation. One change that is apparent concerns the appointment of Jose Antonio Vizcarra to the position of Governor of New Mexico. One scholar, being perplexed by the treaty itself, wrote, “The conditions demanded were so unrealistic that it
can only be presumed that Vizcarra was trying to start a war.”, (Brugge and Correll 1971, pg. 9).

Yet with so many obstacles barring an expensive war, it is difficult to understand how such an endeavor is rationalized as logical, (Brugge and Correll 1971, pg. 33-34). ¹ (foot note here)

The treaty of February 12, 1823 demands that all Mexican captives should be returned by the Diné. It also stipulates that any Diné in Mexican custody should be returned if the Mexicans wished to do so. Other demands include the return of any and all items stolen from Mexicans by Diné and the conversion to Catholicism as well as the adoption of a European inspired life via settlement. These demands were not met, apparently, and a negotiated reply is recorded in the treaty. The Diné agreed to hand over captives they had. Diné also claim they are “dying of hunger” and therefore cannot return the items stolen in raids. It is then stipulated that Diné will not steal from the Mexicans in the future. The final demand of conversion was sidestepped for four months pending a discussion regarding the matter among the Dine, (Deloria and DeMallie 1999, pg. 153). The fourth demand was not addressed in the four month period and Vizcarra went to war in response yet little is known of the outcome. A treaty was apparently concluded on June 18, 1824 but the text has been lost along with its terms. Peace was negotiated again in 1835 but no record of the circumstances leading up to or conditions of the peace is known, (Brugge and Correll 1971, pg. 10).

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

Clause six of the 1839 treaty is interesting and reads, “In case any Navajo Indian woman succeeds in escaping by fleeing from the house of her master, on arrival of the said woman in her own land, when it is verified, that she remain free and without any obligation of the nation to give anything for her ransom.” (Deloria and Wilkins 1999, pg. 140-141). Admittedly a leap of inference, one potential hypothesis is that the 1839 treaty was dealing with the kidnapping of Diné woman for use as servants by well to do Mexican citizens or some other form of slave trade. Evidence of such activity is more explicitly apparent on July 18, 1868 when the U.S. Congress passed Joint Resolution 83 prohibiting the peonage of Diné women and children for the purpose of serving Mexican elites, (Deloria and Wilkins 1999, pg. 141).

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

In 1840, the Diné hold a Naachid near Canyon de Chelly with their intent to make peace with the Mexican government, (Wilkins 2003, pg. 206). It is unclear if peace was reached by April or May of 1841. The original signed treaty has gone missing and scholars are left with a draft that cannot be taken as the actual terms of the peace agreement. A draft of negotiations dated March 10, 1841 has been attributed to shaping the peace of April/May 1841. The March 10, 1841 document amounts to a list of demands laid out by the Mexican government. Such demands included a move for “peace and commerce”, a hand over of all Mexican captives in Diné custody, and recognition or acknowledgment by the Diné that the Mexican government is a “superior all[y]”. One goal of the actual treaty is the removal of “all motives for resentment” presumably on the part of the Diné. A final goal is to impose Mexican law on Diné for crimes committed while making sure that if Mexicans commit a crime against the Diné, a “certain fee” will suffice (Deloria and DeMallie 1999, pg. 165). One inference that may be cautiously drawn is the lack of deviation concerning condescending language toward the Diné. It may be that since the Diné did not read Spanish, it did not matter how badly the language attempted to demean them. On the other hand, one might expect to find even more arrogance on the part of Mexico when dealing with internal documents concerning treaty negotiations. The former argument seems to make more sense.

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

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

3. Relations with U.S.

The United States naively believed that a peace treaty with the much more powerful Diné 
would secure the southwest territory although the past two governments had attempted the same 
method and failed. (See table 2.3 for a list of treaties with the U.S.) Some scholars have broken 
the U.S. treaty making process into at least two stages. Stage one took place prior to 1849 and 
dealt mainly with regulating commerce among tribes, (Deloria and DeMallie 1999, pg. 60). The
U.S. attempted to exercise control only since 1846 allowing only enough time to create two treaties dealing with commerce. Thus, the 1849 treaty between the Diné and U.S. is said to mark the second stage in U.S. treaty making meant to legitimize the U.S. claim to said lands, (Deloria and DeMallie 1999, pg. 60). The U.S. and Diné people entered into nine peace treaties between 1846 and 1868. These treaties were signed in 1846, 1848, 1849, 1851, 1855, two in 1858, 1861, and 1868. Of the nine treaties, only two were ratified by U.S. Congress, (Wilkins 2003, pg. 72). Complicating matters will be several treaties that are never ratified by the U.S. congress leaving a question open concerning the perspective the Diné took with respect to non-ratified treaties.

Table 2.3 – Treaties with U.S. [Source: (Wilkins 2003, pg. 21-22)]

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov. 22, 1846</td>
<td>Bear Springs (Ft. Wingate, NM)</td>
<td>Peace, trade, exchange of prisoners</td>
</tr>
<tr>
<td>May 20, 1848</td>
<td>Monte Del Cuyatana (Beautiful Mountain)</td>
<td>Peace, trade, return of all Navajo captives</td>
</tr>
<tr>
<td>*Sept. 9, 1849</td>
<td>Canyon de Chelly, AZ</td>
<td>Peace, trade, return of all Navajo captives</td>
</tr>
<tr>
<td>1851</td>
<td>?</td>
<td>Trade; established Navajo Reservation boundaries</td>
</tr>
<tr>
<td>July 18, 1855</td>
<td>Laguna Negra, AZ</td>
<td>Peace</td>
</tr>
<tr>
<td>Nov. 20, 1858 armistice</td>
<td>Ft. Defiance, AZ</td>
<td>Peace; established Navajo Reservation boundaries</td>
</tr>
<tr>
<td>Dec. 25, 1858</td>
<td>Ft. Defiance, AZ</td>
<td>Peace</td>
</tr>
<tr>
<td>Feb. 15, 1861</td>
<td>Ft. Fauntleroy, NM</td>
<td>Peace</td>
</tr>
<tr>
<td>**June 1, 1868</td>
<td>Ft. Sumner, NM</td>
<td>Peace; established Navajo Reservation boundaries</td>
</tr>
</tbody>
</table>

The general view of non-ratified treaties is that either the Diné or the U.S. rejected the agreement in one way or another. But such a definition is problematic because rejection can be taken to mean several things. Due to lack of documentation, it is not known if a treaty was not given adequate attention by either U.S. congress, the Bureau of Indian Affairs or the Diné. Complicating matters is the fact that many agreements could potentially have been made
between Diné and various Indian agents and army officers that would not have been recorded or recognized by other agents of the U.S. government. As a rule, such low ranking U.S. agents had no authority to enter into contracts with the Diné. Still another complication was the imposition upon some Indigenous groups in general, and not necessarily Diné, not to have a written agreements, (Deloria and DeMallie 1999, pg. 1237). With such qualifications in mind, one remarkable change to be observed will be the evolution of U.S. treaty making. What’s more, Deloria and DeMallie point out that non-ratified treaties, “provide evidence of the kinds of issues that affected people on the frontier and eventually created a need for a more specific legal relationship spelled out in a later treaty.”, (Deloria and DeMallie 1999, pg. 1238).

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

A second treaty, which the U.S. also failed to ratify, was agreed upon on May 20, 1848. During this time, the Treaty of Guadalupe Hidalgo was signed between colonial actors the U.S. and Mexico. In the treaty, Indigenous peoples are claimed under the jurisdiction of the U.S. There was no Indigenous people represented at the negotiation, (Wilkins 2003, pg. 206). This second treaty may have been meant to replace the 1846 treaty and to gain approval by all parties involved. This treaty contained five articles and the language was slightly harsh in only one
instance in which payment in the form of sheep is demanded by the U.S. for “expenses incurred . . . in this campaign.” Some speculation concerning the article is that the sheep payment was merely compensation for the expedition that U.S. agents incurred while traveling to meet and sign the treaty, (Brugge and Correll 1971, pg. 14). The rest of the language asks for goals similar to the 1846 treaty: Firm and lasting peace, mutual trade, repatriation of prisoners, etc, (Deloria and DeMallie 1999, pg. 1264-1265). It is difficult to state for sure that the non-ratified status of these first two treaties led to the negotiation of the third treaty that was ratified by U.S. congress.

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

One might assume that the treaty was leading up to plans for the long walk.

It is believed, based on research involving the primary documents of the era, that the U.S. was growing impatient with the Diné habit of defending themselves against slave traders and
U.S. encroachment, (Denetdale 2008, pg. 29). It appears the U.S. wanted to be the only police force in the area. Although it is not explicit, the U.S. was upset that the Diné did not turn to the U.S. when they were assaulted by other Indigenous groups and New Mexican citizens, (Denetdale 2008, pg. 26). A second reoccurring problem involved the lack of coercive leadership among the Diné and the impact that this unwillingness or inability to stop all people from raiding against non-Diné people, (Wilkins 2003; Denetdale 2008, pg. 30). There was no way that the 1849 treaty could last because Narbonna, a Hózhó Naat’áanii, was killed and scalped during the negotiation process, (Denetdale 2008, pg. 30-32). This murder was taken as an insult by the Diné since his role was not to be lead or make war. Secondly, Narbonna had a great reputation among his people in vociferously pushing for peace in the face of obvious instances in which non-Diné were continuously taken advantage of, harassed, enslaved, and killed with little cause. To the U.S., Narbonna was no better than the outlaw Diné that kidnapped and sold their own people into slavery. The enemy Navajos are known as Diné Ana’ii, (Wilkins 2003, pg. 207). With anger on all sides, the fighting when on.

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

By this time Fort Defiance is set up and Manuelito is considered to be the leader of the Diné. Yet evidence suggests that this was a title assumed by Manuelito only for the purpose of negotiating treaties with the U.S. For his own people, Manuelito was still a Hashkeji Naat’áanii. A dispute over grazing land between Manuelito and U.S. army leaders became an eighteenth century cold war in which each group would up the anti by grazing on certain lands while the other slaughters the grazing cattle. Manuelito offers his resignation as “Chief” of his people. That is, he no longer wishes to serve as the figure head leader for the purposes of negotiating with the U.S, (Denetdale 2008, pg. 32-34). All the while the ambition of the U.S. remains undeterred as they struggle to protect their New Mexican citizens from many Indigenous peoples.

Because the U.S. was already conducting the systematic curtailing of Indigenous people’s way of life, it may not be a surprise that the next treaty was a giant leap in terms of its intended result. The treaty of June 18, 1855 is an attempt to set up a reservation for the Diné. Of note is the signatory for the Diné not being Manuelito but Zarcillos Largos (as “Head Chief”) probably because the former did not go along with the U.S. demands, (Wilkins 2003, pg. 207). Zarcillos did not agree with Manuelito’s aggressive stance as evidenced by the grazing dispute, (Denetdale 2008, pg. 34). It is most probably a build up from the last two treaties that introduce the idea of the U.S. acting in the best interest of the Diné. Yet, when the U.S. cannot back up its treaty talk, the Diné see fit to protect themselves in terms of war and raiding. A total of ten articles go through such concepts as keeping peace among the Diné and other Indigenous groups, and giving back any captives obtained during fighting on both sides. The language of the treaty is
more legalistic than previous treaties. The main objective is the establishment of a Diné reservation with parameters set by the U.S. It is also stipulated that the boundaries may be changed at the discretion of the U.S. Payment is also set at approximately ninety-eight thousand U.S. dollars over the course of several years. It appears the underlying goal is to make the Diné into farmers and sheep herders, take the communal land holding concept away in favor of individual ownership and “advance upon [Dine] civilization.”, (Deloria and DeMallie 1999, pg. 1314) Archival records indicate that the treaty was not ratified due to complaints by New Mexicans that not enough land was ceded by the Diné, (Brugge and Correll 1971, pg. 18). A document entitled “Articles of Agreement and Convention, July 18, 1855” appears to be a draft of the reservation design set forth by the U.S in the prior June 1855 treaty, (Brugge and Correll 1971, pg. 73).

It is not entirely clear when the following events occurred. What is known is that war was heating up again between the Diné and the U.S. An unknown Diné man killed a slave belonging to a U.S. army representative Major William Thomas Harbaugh Brooks which some believe was retaliation for the slaughter of Manuelito’s cattle. Zarcillos reiterated the lack of enforcement mechanisms between a single Diné leader an men from other bands. It should be noted that racism played a role in the U.S. effort. Brooks, a slave owner and southerner, believed that people of color were inherently inferior to whites and that the whites must force their laws on all people of color,(Denetdale 2008, pg 33-34). It is believed that these events, among other skirmishes, preceded the next set of treaty negotiations. An armistice was agreed upon on November 20, 1858 that was not ratified by the U.S. nor agreed upon by the Diné. Speculation is that the treaty was never submitted to the U.S. Senate. Instead, the treaty served to detail the conditions for a later treaty agreed upon on December 25, 1858, (Brugge and Correll 1971, pg.
The armistice was a thirty day truce in order to allow for the December treaty to be drafted and agreed upon by all. The armistice demanded the adherence to rules set by agents, return of stolen horses, and the delivery of a murder suspect to U.S. custody, (Deloria and DeMallie 1999, pg. 1336). The December treaty would include the armistice conditions and also set forth other conditions.

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

The last known Naachid is carried out sometime in 1859. It is not known, but we might assume, that the discussion centered on relations with the U.S. On February 15, 1861, a treaty was entered into by the U.S. and Diné but was never ratified due to the inception of the U.S. civil war. Speculation abounds concerning the actual purpose of the document. It could be an armistice drafted by soldiers to end a war and not meant for submission to the Senate. Because of the U.S. preoccupation with southern rebels, the New Mexican and Ute attacks on the Diné continued unabated by U.S. governmental authority, (Brugge and Correll 1971, pg. 21). The
language becomes harsh calling for the Diné to submit to the U.S. authority. The treaty also asserts a U.S. desire for the Diné to establish settlements west of Fort Fauntleroy, (Deloria and DeMallie 1999, pg. 1339-1340). Fort Fauntleroy was renamed Fort Lyon and later the second Fort Wingate after the original Fort Wingate was abandoned, (Security 2009). Still Manuelito and his warriors maintain war efforts.

As part of the treaty obligations set forth in 1861, Diné people would visit Fort Wingate to obtain food rations, feast, race horses, and generally commune peacefully. It is said that during one of the horse races, it was discovered that Manuelito’s horse saddle had been cut in an attempt to sabotage his racing abilities. The disagreement led to U.S. soldiers murdering women and children in attendance indiscriminately, (Denetdale 2008, pg. 38). These continued deaths and fighting coincided with the U.S. civil war and the revival of the idea of removing Indians from their homeland. Perhaps it was a stroke of luck, but the fact that the removal plan for the Diné was implemented during the U.S. civil war may have prevented the plan from being as effective as it might have otherwise been. Conjecture aside, it is clear that Fort Sumner was chosen as an internment/concentration camp for Diné and Mescalero Apache people. Fort Sumner was chosen in spite of, or perhaps because of, the fact that the land was prone to harsh summers and winters, had alkaline water, had inadequate wood, and was largely uninhabitable, (Denetdale 2008, pg. 39). The idea was to move the Diné to a land they did not know. Thus, confused, the old would die and the young would be educated as Christian farmers. Although it is not clear how effective the message was disseminated, the message was sent out that surrender would be met with food, clothing, and shelter while awaiting marching orders to there new lands(Denetdale 2008, pg. 40). The Diné called this plan Hwéldi.
The U.S. campaign to remove the Diné was spearheaded by Indian fighter Kit Carson. His plan was to apparently go through Diné land burning hooghans, killing people that surrendered, and allowing his soldiers to have their way with whomever they encountered, (Denetdale 2008, pg. 42). As a result, many Diné people probably did not realize that surrender was an option. It is believed that many simply interpreted the behavior of Carson and his men as a war of genocide. In what might be considered a form of guerilla warfare today, the Diné warriors followed the Carson outfit and attacked when they would let their guard down, thereby avoiding open European style warfare. This activity angered, humiliated, and embarrassed Carson, (Denetdale 2008, pg. 42).

Eventually, the Carson campaign followed many Diné into Tsé yí (Canyon de Chelly). Tsé yí was a Diné stronghold because of how well it was known by its people and how well the area obscured its people. Many stories of how Tsé yí abound involving people waiting for years at a time as U.S. soldiers searched in vane. Diné people were capable of climbing up and down the canyon walls using ladders constructed out of natural materials and pulling them away so the soldiers could not follow. Tsé yí is considered a gift to the Diné from their creator and that the area was a shelter to which the Diné could ask the Diyin Diné’é for help. In the end, however, the Carson slash and burn campaign took its toll and more Diné had no choice but to surrender, (Bighorse, Bighorse et al. 1990). Yet relief was not coming for the Diné as is the case with many wars. Since wars of colonialism are quite profitable, the slave trade continued unabated as more Diné surrendered and agreed to march east. Conflicting reports indicate that Barboncito joined the people on the long walk to ensure they had good morale, (Bighorse, Bighorse et al. 1990, pg. 34-35). Less believable is that Barboncito was caught with a small group in Tsé yí and forced to
join his people on the walk, (Denetdale 2008, pg. 45). It was only after Manuelito and his group held out as long as they could did they agree to take the walk, (Denetdale 2008, pg 46).

The incarceration period was bad all around. The details of the horrors can be located elsewhere, (Bighorse, Bighorse et al. 1990; Denetdale 2008). As stated before, the food was in short supply, there were too many people (7000 Diné) for the land to support, and the living conditions involved digging and living in a hole in the ground, (Denetdale 2008). The evidence of the conditions coupled with the inability of the U.S. army to prevent individuals from leaving back to their homeland and under threat of an all out rebellion, the closing of the experiment commenced in 1868, (Denetdale 2008, pg. 88). The next treaty would formalize the end of the incarceration period and the setting of the Diné reservation in and around the area of their traditional homelands.

The second and final treaty, known as the Treaty of 1868, to be ratified by the U.S. government is regarded as the most famous of the treaties, (Brugge and Correll 1971, pg. 22). Thirteen articles in all, it returns to the legalized tradition contained in the previously ratified Diné – U.S. treaty of 1849. The most important aspect of the treaty is the formation of the Diné reservation which under laps traditional Diné homelands. It is a typical U.S. reservation set up complete with promises of supplies for establishing U.S. style settlements and an agent to facilitate dealings between the U.S. and Diné. Education in the ways of the U.S. tradition is also deemed necessary to civilize the Diné. A list of eight separate limitations on the Diné is listed: of most import are the rail road clauses that give U.S. right of way through reservation territory. A three-fourths clause is included that requires seventy five percent of all Dine adult males must agree to future land cessions, (Brugge and Correll 1971, pg. 88-98).
A final non-ratified treaty is an attempt to further individualize the Diné by forcing them to accept subdivisions of reservation land based on the size of individual families. In fact, to call this document a treaty overlooks the U.S. policy of ending treaty making in 1871, (Bighorse, Bighorse et al. 1990, pg. 104). The “Agreement with the Navajo” of March 27, 1874 reads like an addendum to the 1868 treaty. The change from calling the negotiated resolutions treaties to agreements is a reflection of U.S. congressional squabbling over the ability to ratify treaties. Prior to 1872, only the Senate needed to ratify treaties. Some see the change in terminology as further curtailing of Indigenous Sovereignty, (Wilkins 2003, pg. 20). Still, it may also be considered the end of treaty making with the Diné and the shift in U.S. policy from dealing with the Diné as a domestic issue internal to the U.S. In other words, the Diné are at this point are no longer considered to be an international actor by the U.S. Perhaps weary over the prolonged struggle to cheat the Diné out of their weapons and land, the U.S. did not take much interest in the Diné until corporate interests discovered oil and gas on the reservation.

C. Early Reservation Period 1868-1923

It is unclear what one would even call the period of 1868 to 1923. Some major events in Indian policy are occurring which have impact on Diné people generally but, for the most part, it is interestingly a period in Diné history which is relatively ignored by historians. One might presume that since other Indian wars continue (Geronimo and the Apache), the U.S. is preoccupied with other issues. Several sources use “time line” style summaries to discuss the events of this era. In 1869, the U.S. Congress passes a statute in which all remaining tribes are settled on various reservations. The reservations are each given over to various denominations of Christian churches for further assimilation procedures, (Bighorse, Bighorse et al. 1990, pg. 104). Between 1878 and 1884, the Navajo reservation is increased in size, (Denetdale 2008, pg. 124).
The reason for the increases involves the fact that too many people lived in the space originally demarcate in the 1868 treaty and the fact that many Diné found themselves living in spaces that were not technically a part of the reservation. One can trace the increases to five separate acts of the U.S, (Wilkins 2003, pg. 208). The Navajo reservation is now 8 million acres, (Bighorse, Bighorse et al. 1990, pg. 104). Its governance is set up just before the incarceration period is concluded.

The Diné rejuvenated themselves as a people upon returning to their traditional homelands. In the fall of 1868, a blessing way ceremony was held at Window Rock for 7 days. There were a total of 13 leaders and each received a bundle, were instructed to carry them through Window Rock 4 times, and then the 13 dispersed in the four directions to begin their lives again, (Wilkins 2003, pg. 79). Just as they had been instructed, the groups disbanded in four directions. It is interesting to note here that there was no apparent record of a “Protection Way” ceremony such as a Naachid. Some scholars simply state that the last Naachid was held before the long walk and must have been lost during the four year incarceration. Yet, it should be noted that since Diné people were not to interact in war ways, why would they feel that there was a need to have a war way ceremony? As such, the Diné were tired of war and simply wanted to go on back home in any shape they could. The documents of the time indicate that the Indian Agent described the four groups in relation to the Agency. East of the Agency was run by Manuelito, South of the Agency was run by Mariano and Tsi’najini Biye’, West of the agency was run by Ganado Mucho, and North of the Agency came under the direction of Francisco Capitan, (Wilkins 2003, pg. 79). It seems with little European interest in the events on the Navajo reservation, there was little reason to dispute the organic leadership process exhibited above.
Yet, as the above leadership grew in age and were replaced by new leaders, and the simultaneously shifting U.S. policy involving the assimilation of Indians, the push to be more coercive afforded the U.S. the inclination toward asserting more control over Diné leadership. This is evident by a period between 1878 and 1910 in which the Agent appointed “Head Chiefs” for the respective groups, (Wilkins 2003, pg. 79). Even Manuelito is named the head of the first Navajo police force which operated as the only law enforcement/government type entity that was recognized by the U.S., (Denetdale 2008, pg. 28). Later, the U.S. replaces him with Chee Dodge, a bilingual Diné of mixed blood in 1884, (Wilkins 2003, pg. 79).

Between 1901 and 1911, five agencies are set up which are still used today (in modified form). In no particular order, these agencies are called Southern or Fort Defiance, Northern or San Juan which was renamed Shiprock, Western or Tuba City, Western extension or Leupp, and Eastern or Pueblo Bonito which later became Crownpoint, (Wilkins 2003, pg 208). In 1921, oil is discovered in the San Juan Agency or Shiprock, (Wilkins 2003, pg. 208). This seems to be the impetus for the creation of the Contemporary governance structure used, in modified form, today.

D. Contemporary Diné Governance

What follows will be a brief rehashing of the “democratic” era of Diné governance. This period of Diné history might be characterized as the period when U.S. corporations began to discover that valuable natural resources were present on the Navajo reservation. The U.S. government has a nasty habit of discovering things and appropriating them for their own enrichment, (Morgenthau 1948; Said 1978; Waltz 1979; Wilkins 1987; Getches, Wilkinson et al. 1998; Wilkins 2002; Wilkins 2003; Lukes 2005). As a result, Euro-American style governance was developed and presented to Navajo people that were considered friendly to U.S. interests. In
much the same fashion that was exhibited during the treaty making era of Navajo and colonial actor relations, the Navajo people selected to support governance restructuring often did not have legitimate authority to approve changes.

The discovery of oil in Diné country during the early 1920’s is a significant factor involving why a Business Council was formed in 1922, (Wilkins 1987). The Business Council was put together so that oil and gas leases could be more easily obtained from the Navajo people. The Business Council focused on the distribution of royalties. Before the Business Council operated, royalties were only distributed to a given region where the oil and gas had been discovered. But this required the U.S. and its corporate interests to obtain several permissions. Reconfiguring a single Business Council would allow corporate interests to go to one decision making board to obtain permission to extract resources on any land within the Navajo Nation. This is the main purpose for changing the royalty payment scheme, (Wilkins 1987). The Business Council was headed by three Navajos appointed by the Secretary of Interior. On January 3, 1923, the Business Council was modified and tasked with assembling a committee to create a Navajo Tribal Council, (Wilkins 1987). The January 3, 1923 model appears hastily assembled in the wake of the Business Council model because the Business Council model was not accepted as a legitimate body fit to represent the Diné people, (Wilkins 1987). Also, the January 3 model asserts that it be under the scrutiny of some branch of the U.S. government. Delegates and alternate delegates are removable by the Secretary of the Interior and the Navajo Tribal Council can only meet when the Commissioner of Indian Affairs is present. More modifications followed.

On January 24, 1923, a Tribal Council was formed, (Wilkins 1987). Perhaps it is more accurate to state that the January 3 body was modified into the January 24 model. Note continued
weight that U.S. interests attempted to maintain within the council. The first significant change came in 1933 when the secondary level conditions “Federal representative be present at council meetings” and the requirement to “convene at the liberty of the Commissioner” were revoked, (Wilkins 1987). The January 24 council was less likely to represent U.S. interests. One might conclude that the Tribal Council body was hijacked by Diné citizens as evident by the several revocations that took place since its 1923 introduction. Over time the scope of the January 24 model expanded to take on a form of Diné governance rather than merely serve as an advisory board to the Commissioner of Indian Affairs. One might assume that the January 24 model and its modifications would have remained in place had it not been for the Indian Reorganization Act.

The U.S. interest in pushing tribal governments into the envelope of U.S. constitutional model government caused the Navajo Nation to create a Tribal Constitutional Assembly in 1938, (Wilkins 1987). Here it helps to understand the Federal Indian Policy of the time. The Indian Reorganization Act of 1934, or IRA, was meant to bring Indians into the modern era by formalizing their governments, (Wilkins 2003, pg. 59). A better way of understand the IRA was that the U.S. was operating under the false assumption that their own form of government was the most advanced government. All other forms of government were less than advanced. Since Euro-American governance was assumed to be the pinnacle of society, policy makers decided that they would bestow the great gift of their governance upon the lowly and primitive Indians. This meant that there would be little attention given to traditional Indigenous governance structures. Many tribes adopted IRA style constitutions but the Navajo Nation did not. Regardless, the era was to be colored by the U.S. government’s outlook on tribal governance. The U.S. one size fits all approach was really meant to be a one size fits all policy more
concerned with U.S. interests, especially related to natural resource extraction, than anything else.

Four years after the IRA was passed, the Navajo nation put together a Tribal Constitutional Assembly tasked with writing a constitution. The fact that 4 years had passed since the IRA was first passed denotes a rejection on the part of Navajo people regarding boilerplate style IRA constitutions. Rather, Navajo people wanted to be critical of the question regarding their form of governance. The most obvious failure of the Constitutional assembly is that it failed to write a constitution. Secondly, the most overt presence of U.S. interest in the assembly is the approval requirement indicating that resolutions cannot take effect unless the Secretary of Interior approves. Less overt, but questionable at the very least involves rules for participation as a council member. Any set of rules which govern the participation in any exclusive body must be scrutinized for their discriminating properties to ensure that any unethical exclusions are not allowed to take place. Rules for participation are always subject to power domination, (Lukes 2005). From a functional point of view, the “constitutional assembly” became a “bonafide” legislative body. By bonafide, one can consider how U.S. models for legislative bodies tend to produce professional politicians who, at times, seem more interested in protecting their job security than in serving their constituency. Finally, we know that the original intent of the constitutional assembly was to write a constitution. But when the object was not fulfilled, a much broader scope of governing Diné country was introduced by virtue of the council voting itself into office, (Wilkins 1987). Left unclear in all of these changes is the impact that each council has today.

There is no clear answer regarding how the various councils compliment and conflict with one another. Diné governance functions adequately enough to prevent most Diné people
from violently overthrowing it, (Wilkins 2002). Regardless, there are many tough questions which are unclearly addressed. Research of the primary and secondary literature produced ill-defined ideas of what constitutes contemporary Diné governance. One exception is David Wilkins work on modern Diné governance, (2002). His work is primarily descriptive. Today there is a Navajo Tribal Council, an advisory committee, a Tribal Council Code which includes a Bill of Rights, a description of Navajo Government Structure and Power, an outline of tribal membership criteria, election laws, outlines for dealing with fiscal matters, various business and commercial statutes, land use/natural resource management criteria, and elements dealing with law and order, (Wilkins 2002). Included in the Wilkins work is a diagram of the contemporary Diné governance structure included here, (2002). The most prominent features of contemporary Diné governance involves the three-branch system made up of executive, legislative, and judicial.

Note the Wilkins chart here. Presumably, the legislative and executive are derivative of the various tribal councils. There are problems, however, with the Wilkins chart. First, it is unclear if the Wilkins graph represents a normative or a realistic depiction of Diné governance. Second, it is still unclear what impact previous versions of the Tribal Council have on contemporary Diné governance and these impacts are not represented in the Wilkins chart. Third, there is no mention of Diné cultural norms in the Wilkins chart. Without cultural norms, legitimacy is questionable at best. In fairness to Wilkins, his research in (2002) was constructed for the purpose of answering his research question: “Have democratic traditions taken hold?”.

For the purpose of his own research question, the Wilkins diagram is a wonderful model. To take his model and use it to better understand contemporary Diné governance stretches the capacity of the Wilkins diagram beyond its limits. Given this stipulation, it is necessary to look at
contemporary Diné governance in a different manner: it is messy; much messier than it is depicted as in Wilkins, (2002a). The consequences of a Tribal Code, which allows for rule by resolution, followed by the cementing of the “Rules for the Navajo Tribal Council” set up a situation in which individual Diné people were capable of securing an executive position and consolidating power within the executive branch, (Wilkins 1987). Power consolidation in the executive was later offset by the legislative branch and a judicial branch was added. The relationships between the executive, legislative, and judicial branches were further modified by CD 68-89, (Wilkins 2002a). Left unclear are the ways in which recent modifications have augmented, negated, or left unmodified previously articulated governmental actions.
CHAPTER III. BUILDING CONCEPTS OF DINÉ GOVERNANCE: A SOCIAL SCIENCE APPROACH

What follows is a technical approach to the research methodology used in this research. First, the problem of long complex English language definitions is discussed. Since we wish to clarify rather than create more confusion, the discussion turns to a hybrid methodology based on quantitative and qualitative design. The family of research design includes fuzzy mathematics, Boolean algebra, formal modeling and concept building. Readers may wish to skip this section and read the next chapter on the actual concepts and their construction. Then, after the examples are understood, one can return to this section to understand the theoretical mechanics behind the concept building approach. There are few examples of the approaches offered within this chapter as to avoid redundancy.

A. The Problem of Syntax Error

At times, people that are at least bi-lingual run into the problem of losing something in translation. The problem may be a mere inability of certain words in one language to transfer to another. Other times the problem is much more pervasive and cultural concepts are so “bizarre” or unusual to another culture that the communication breaks down and very little of the organic concept has been understood by the interloper. One example of this problem involves the contemporary Navajo court system. A misnomer, the Navajo court system is really based on traditional peace making practices. Yet, in order to garner external legitimacy from colonial court systems, the word “court” was attached to the process as it was adapted to fit contemporary Diné problems, (Nielsen and Zion 2005). Attaching English terms to Diné cultural traits is a tedious and distracting task which could be viewed as a “syntax” error. Syntax is defined as, “1: the way in which linguistic elements (as words) are put together to form constituents (as phrases
or clauses) . . . 2: a connected or orderly system : harmonious arrangement of parts or elements”, (Merriam-Webster Inc. 2007). Typically a syntax error is associated with computer program language errors but, it is possible to use the syntax error analogy to gain insight regarding the reason why, for example, Navajo Nation has failed to incorporate governance institutions resembling the U.S. model.

Consider the second definition offered by Merriam-Webster: “a connected or orderly system : harmonious arrangement of parts or elements”, (Merriam-Webster Inc. 2007). Obviously, had policy makers within the Navajo Nation believed that a string of English language words could come together in a fashion that would garner a “harmonious arrangement” of the “parts or elements” of Diné culture, it is likely the question of what is the best form of Navajo governance would be moot. Instead, it appears that many times the Navajo Nation policy makers have concluded that words in English are not capable of harmoniously stringing together the elements of Diné culture necessary to satisfactorily create institutions of governance. Recent efforts by individuals to write a constitution best frame the debate. A more culturally traditional argument against a constitution involves syntax error: the concept of a constitution is not an organic Navajo concept. Rather, constitutions are an anglo concept making them incapable of taking the “parts or elements” of Navajo culture and weaving those elements into harmony with an anglo outcome, (Kraker 2008). Yet, contemporary Diné governance still fails to satisfy all Diné citizens. Consider the recent history of Diné governance and note how there are patterns of “conceptual stretching” or taking a term and inflating its definition so vastly as to make the term meaningless or at least confusing to many Diné citizens, (Sartori 1970; Wilkins 1987).

Hardly a unique problem only witnessed in Diné governance, the notion that terms are being asked to represent a greater diversity of applications is a phenomenon plaguing policy
makers and academics of various disciplines. The roots of conceptual stretching can be traced back to the origins of colonialism itself. European colonizers felt compelled to stretch their western concepts of humanity to either include Indigenous people or exclude them. At the risk of broadly generalizing, the origins of Federal Indian Law in the United States details the debate on the existence of a soul with Indigenous people, (Getches, Wilkinson and Williams 1998). Although conceptual stretching was never indirectly (or otherwise) tied to international colonial law, the fact is that various international actors (the Catholic Church, England, France, Portugal, Russia, and Spain), were forced to stretch their individual concept of what is human and what is heathen or soulless.

Conceptual stretching occurred quite by accident as western academics for millennia assumed that their own ethnocentric languages could accurately represent cross-cultural concepts. Whenever a concept unknown to westerners was discovered by westerners, the gut reaction was to broaden a western concept that already existed so that it would expand and envelope the new concept. At least two recognized consequences of conceptual stretching are noteworthy here:

. . . conceptual stretching also represents a deliberate attempt to make [western] conceptualizations value free. Another concurrent explication is that conceptual [stretching] is largely a “boomerang effect” of the developing areas, i.e., a feedback on the Western categories of the diffuse polities of the Third World. (Sartori 1970)

Creating concepts free of cultural values may be impossible. One is hard pressed to consider the development of any democratic government without associating the resultant administrative body as a product of some Greek or otherwise Western culture. Secondly, the notion that not so value free governing principles have filtered into third world polities should force non-Westerners to have an academic “double take” when considering how U.S. governmental influence is just as powerful in the third world as it is in Diné country. A look at the history of
interaction between the United States and the Diné (see chapter two) indicate how syntax error and conceptual stretching are relevant. It is likely that legitimacy and cultural relevancy in any contemporary Diné governance institutions will need to draw from traditional Diné governance institutions. By identifying the inability of English terms to represent Diné cultural values, we take a step toward resolving the many instances in which Diné citizenry have come to see their government as ineffective. By replacing ill-defined and stretched English terms with Diné cultural traits, we attempt to bring back Diné cultural legitimacy to contemporary Diné governance. The greatest evidence for the effectiveness of the above approaches may be located in the history of contemporary Diné governance which is a vacuum in which there are little overt traces of Diné cultural values. It is hoped that the concept building method will illuminate how mismatched past Diné polities have been. As well, the concept building method will show how mismatched current polities are today.

B. Three Level View of Concepts

What follows may be considered an answer to a methodological challenge set forth by Goetz, (Goertz 2006). Yet, this research takes it one step further. Other research has become mired in an academic discussion about the benefits of quantitative research, (King, Keohane and Verba 1994). Other research might be mired in a discussion about the superiority/inferiority of qualitative design, (George and Bennett 2005). Still other research involves the attempt to bridge the gap between quantitative and qualitative research itself, (Goertz 2006; Ragin 2008). With all the research cited above, the process of creating positive outcomes for the focus of their research remains an elusive endeavor if the endeavor is at all considered. The intent of the above authors has little to do with effective positive change for a given group of people and this is okay. Here, the research is meant to bridge a gap between theory and method as well as between academic
and policy. While it seems lofty to dream in this way, the resultant analysis of concepts of Diné governance should put such doubts to rest. With these very broad ideas in the background we can turn our heads toward the mechanics of building a social science concept. What follows is how one builds a concept of Diné governance.

The definition of a concept currently does not exist. The following is offered as a potential definition, “I prefer to define [a concept] implicitly through a discussion of how to construct them. This is roughly analogous to geometric primitives like point and line which are defined via theorems about them,” (Goertz 2006, pg. 1). In much the same way, we must be content to accept the definition of “concept” based on the current discussion on how to build a concept. Thus, we may venture into areas which are beyond the scope of the current research. We might call this new frontier in research “future research” but we must take such research seriously. Carefully laying the foundation for concepts of Diné governance will, hopefully, prevent labor from being wasted on dead ends. Secondly, the foundation, if laid properly, can support future research for years to come as our comfort level increases with our new way of looking at iterations of governance institutions past, present and future. As such, it is necessary to have a potentially esoteric discussion regarding ontology. Here it is meant that within everyday words are the metaphysical properties inherent in such words. This is especially true of words which are forced to cross cultural boundaries. These notions require elaboration.

The purpose of this research will be to better understand the ontology of concepts currently in use in Diné country. We must understand the power of these words and the causation inherent in these words: “Concepts are about ontology. To develop a concept is more than providing a definition: it is deciding what is important about an entity,” (Goertz 2006, pg. 27). Yet, even a simple definition may be absent from current definitions of Diné governance
institutions. What may be easily rebuildable are concepts of traditional Diné governance. Here the information available is sufficient to build concepts, “The ontological theory expounded by the concept focuses on the concept’s internal structure and its constituent parts. But that analysis is intimately related to how the object as a whole interacts, usually in a causal way, with its environment,” (Goertz 2006, pg. 28). Here we have fertile soil to consider and reconsider concepts of traditional and contemporary Diné governance. We need to understand better how the constituent parts of past and current concepts of governance stand on their own in terms of their internal parts. It must be considered what makes up current and past governance institutions. Consider the parts which constitute concepts. At the same time, consider if there is a general direction of causation related to the constituent parts, or the concept as a whole, and its environment. In other words, two important aspects of causation need to be determined. First, what impact, if any, is (or should) there be between the concept or its constituent structures and the environment in which it operates? Alternatively, one must consider the impact that the environment has on the concept or its constituent parts. A third potential outcome is that the impact, in terms of causation, is a two way street. Perhaps here it is best to go further with causation.

The careful construction of concepts is related to the careful understanding of causation. Causation is a relationship between at least two phenomena. In essence, causation simply means that one entity is having some impact on a second entity and that the impact can, theoretically, be measured or otherwise observed. The notion of causation can be further explored as concepts themselves are constructed for their normative characteristics or for their ability to replicate institutions in existence and/or use, (Ragin 1987). For now, it is best to know that future research should be able to understand the relationship concepts have with their constituent parts not only
in terms of their association but also in terms of the impact that each constituent part has on other constituent parts, the concept as a whole, and the environment in which it functions. What’s more, we can add to our understanding the direction of causality be it one way or two way if we are only speaking of two entities and their relationship. For now, one should consider two possible orientations with which constituent parts can be related to concepts.

There are at least two ways that constituent parts are related to one another and to concepts. Necessity and sufficiency are one collective way of considering how constituent parts relate to one another, (Goertz 2006, pg. 28-29). With all the constituent parts identified within a concept, one can ask which parts are necessary for the concept to remain capable. That is to say, what are the bare bones components a concept needs to still be considered a valid manifestation of the concept you seek to explore. The second orientation, which will not be used in the current research, is called family resemblance, (Goertz 2006, pg. 28-29). The family resemblance orientation can be further explored separate from the current research. Still, another aspect must be cleared up (or considered). One might be concerned about the nature of conditions being dichotomous or all or nothing. In special cases, a concept might be all or nothing. Otherwise, this research will presume that a condition being present or absent will largely depend on the knowledge a researcher brings to the table. As such, it will be possible for one to have a few of the attributes present yet not have all of the conditions present. This is considered a “fuzzy” definition meaning that there are a continuous number of elements which may be used to determine if a condition is present. Assumptions of continuity are present here because the research need not box its self in with all or nothing assumptions about the present subject, (Goertz 2006, pg. 30). While there are many other potential applications that could be explored, the above has been limited to the aspects of concept building most relevant to taking the first
steps into better understanding institutions of Diné governance. To be sure, the critical analysis of relationship and causality should be at the forefront of any attempt to understand concepts of Diné governance. Incidental relationships will only serve to distract. The above is admittedly abstract. The concept building approach should help to organize our thinking better.

1. The Basic Level

Concepts can be slippery fish especially when they have been used for a long time and new ideas are tied under old labels. But we should force ourselves to think about at least three issues related to a concept. At its very basic level, we must understand what the concept is and what the concept is not. Since we are discussing the notion of governance, we should also consider what is non-governance. (Chaos? Anarchy?) The problem here is that without thinking about the negated term, we may be inadvertently confusing our dialogue. Secondly, we should be able to decide, consciously, if we want to have a negative concept remain separate from a positive concept. An alternative to this is that we would want the negated concept to remain along the same continuum that we would find the positive concept. And, third, we need make a clear decision about the nature of the continuum itself. The options above are represented in table 3.1. Will the concept be partially constituted or are we only considering all or nothing concepts. As has been discussed before, it is better to consider the continuum approach, (Goertz 2006, pg 32-34). For the current research, it is only necessary to understand how our options lay in front of us. As we begin to discuss Diné concepts, these options will be carefully weighed and our decisions as to which path we choose will be justified based on the evidence we find on Diné governance.
Table 3.1: The two approaches to basic level concept continuum building

a. Negative/positive continuum with zero value in the middle

<table>
<thead>
<tr>
<th>Negative</th>
<th>No Value</th>
<th>Positive</th>
</tr>
</thead>
</table>

b. Positive continuum which only represents presence/absence. This approach requires separate negation continuum and the negation does not necessarily mean that presents is established nor vice versa.

<table>
<thead>
<tr>
<th>No Value</th>
<th>Half Value</th>
<th>Positive</th>
</tr>
</thead>
</table>

AND

<table>
<thead>
<tr>
<th>No Value</th>
<th>Half Value</th>
<th>Negative</th>
</tr>
</thead>
</table>

The following are explicitly stated instructions, first articulated by Goertz, for the concept builder to consider when constructing the basic level of a concept:

1. Explicitly analyze the negative pole
2. Theorize the underlying continuum between the negative and positive poles
3. Theorize the gray zone; then determine whether or not the concept should be considered continuous or dichotomous
4. Do not let the empirical distribution of cases influence many decisions. Usually the empirical distribution of cases should be explained, not presumed in concepts (Goertz 2006, pg. 35)

Let’s take each step in order: First, the thought process on the negative pole is meant to clearly understand the relationship the concept has with its own negation or absence. How is it that you can have the absence of a concept? This leads to the second tip regarding the continuum relationship between positive and negative or presence and absence of a concept. There are at least two choices that can generally be made regarding the arrangement. You can consider the negative and positive poles as linked, as diagramed in table 3.1 part a. What this means is that in
the middle of positive and negative is the absence of the concept. This is just one way of considering the process. A second way is that there is no link between the positive and negative poles as is expressed in table 3.1 part b. This means that you could possibly have the presence and absence of the same concept at the same time. This is possibly based on Aristotelian logic in which within every concept are the characteristics of its negation. One can think of this process as having two separate continuums. Each continuum will have a 0 and a 1 meaning that you can allow for concepts to be partially present and partially absent. This leads to the next concern.

Step three suggests that you consider the gray area between presence and absence. The gray area is diagramed in table 3.2. What happens when you are not sure if you have the concept or you do not have the concept? How can you express this occurrence? This leads to a choice that must be made regarding continuity or dichotomy. In some cases it can be easily stated that a concept is present or absent. Since life is not that neatly arranged, relying on a dichotomous relationship should be reserved for special cases. Probably the best way to approach concept building is to assume that the concept is continuous until research suggests otherwise. What this means is that you have an infinite number of places between 0 and 1. Thus, we should assume that there is no such thing as a perfect state as represented by 0 or 1, (Goertz 2006, pg. 70). Real life will allow us to consider the overall presence of a concept when it surpasses a certain threshold such as .6 or more. The diminished concept might be characterized by the partial existence of the constituent parts as represented by .4 or less. The actual threshold should be set by the researcher based on extensive research into the subject matter. The final step is meant to ensure one allows the concept to stand on its own feet. Concepts should explain how the events one studies occur. This is important because if you want to explore causal explanations, you cannot allow the cases to be presumed ideal. In other words, you don’t want the concept to be
dependent on the cases. Causation can be a powerful tool and allowing cases to influence the concept might color the eventual breakdown of how causation works. One wants causation reserved for exploration of cases so as to determine if the examples themselves are out of tune with the concept. With these ideas in mind, we can now turn to the foundation of concepts.

Table 3.2: Diagram of the gray zone and its relationship to presence and negation concept continuums – only refers to part b of table 1

Below is a concept continuum. Positive and negative poles below .5 simultaneously can generally point to a gray zone situation. In general, this means more research/information is required to clarify the subject.

2. The Secondary Level

There are at least two reasons to explore the construction of secondary level traits of a concept. The first reason is a reaction to previous research on important topics (concepts). The second reason involves future research on topics important to Diné people. One might notice how some research involves long and wordy definitions of topics (concepts). The issue of syntax
error is discussed earlier which is a potential result of using long and wordy definitions. Herein you find the solution to syntax error issues. The second reason to ensure that secondary level traits are well thought out is because we should imagine that future generations may wish to turn to a given concept. With clear instructions on how concepts of Diné governance were first developed, alterations (fine tuning) can take place without going through the effort of reinventing the wheel.

One of the assumptions inherent in this research is that necessary and sufficient conditions will be the basis of any secondary level concept traits, (Goertz 2006, pg. 35-39). The reader should understand that other options are available but will not be utilized by the current research. A necessary condition lends itself well to the current research because certain traits of the concepts under review cannot function at all if one of the traits goes missing. Just like fuel is a necessary condition for a car to run, it is likely that some traits for Diné governance cannot function if one of their characteristics is not present. Hence, it may be that some traits are necessary for the concept to function properly. Going further, one might conclude that in the absence of necessary conditions, the concept itself has changed and, hence, is not the concept original concept absent the condition. There are several ways to determine if a condition is necessary. There are mathematical approaches to understanding if a condition is necessary and these items will be discussed later, (Ragin 2008). For now, it is best to rely on a deep knowledge of the concept. The guiding theoretical frame will be based on Diné Bitsahakees. It will likely follow that mathematical approaches will reinforce what Diné Bitsahakees has already explained. Sufficiency will provide insight where necessity is not appropriate.

Where a secondary level trait is not necessary, it might be that the trait is, on its own, sufficient to indicate that you are dealing with a concept in question. It may be, in certain
instances, that a trait by itself is sufficient to ensure that a concept exists in a functional form. Sufficiency seems more related, at times, to events, such as revolutions, wars, or trips to the ocean, than related to institutions, such as type of government. Sufficiency characteristics are used to understand transitions between certain types of Diné governance such as how the Long walk was sufficient to end the Naachid in chapter six. When related to institutions of Diné governance, however, sufficiency will most likely only emerge when considering the collection of necessary conditions. Taken together, the set of conditions which are necessary by themselves to indicate that you have a specific concept in existence will aggregate to make a collective sufficient condition. These calculations can also be expressed mathematically in terms of Boolean algebra, (Ragin 1987). With our attention on seemingly mundane details, we are forced to acknowledge that which we are truly studying.

It may seem that we are about to become mired in details of which there is no end. Yet, the concept building process forces the reader and the researcher to keep their attention on key issues which have causal impact on the concept itself as well as the environment in which it functions, (Goertz 2006, pg. 37). With the above in mind, the Goertz method suggests the following steps for constructing secondary level traits:

1. Do not just list dimensions of the concept
2. Be explicitly about the necessary conditions, if any
3. Give sufficiency criteria. This is true for both necessary and sufficient conditions . . .
4. Do not force the reader to guess at structure from the discussion of examples or the mathematics of a quantitative measure

One might be okay with an initial list of dimensions to a given concept. But, in the end, a serious discussion must take place involving the causal relationship that a given dimension has on the concept and its environment. Still, a great deal of care should be given to the dimension in terms of its necessity and sufficiency to the concept itself. Secondly, once dimensions are identified as
necessary, it is good to go further and discuss or understand the details that make a condition
necessary to the concept itself. Third, the sufficiency criteria should be well spelled out. In our
case, it will likely be that the collection of necessary conditions will be sufficient. The final tip is
basically the discussion of this chapter on concept building. While the ideas may be new to the
reader, it is hoped that upon reading the actual concepts presented, this section will make more
sense to not only the concepts contained here but to concepts we encounter everyday.

3. The Data/Indicator Level

This aspect of concept building can be the most complex in terms of mathematical
properties. Full details on various options not explored in this research can be investigated
independent of this research, (Goertz 2006, pg. 39-44) Nonetheless, the benefits of thinking
through the issues at the data indicator are sure to pay off if we do our homework. This section of
the concept can be expressed in a number of ways some of which borrow from the world of
formal modeling, some of which borrows from mathematics. The data/indicator level will
provide a direct link between the phenomena we observe in the world and the methodology we
employ to make sense of what we observe. Yet, it should be clear that the resulting concepts we
build will always be a work in progress since, the only constant we can rely upon as social
scientists is the notion that nothing remains constant.

One aspect of concept building at the data/indicator level that is relevant to Diné
governance involves a method of quantifying levels of necessity and sufficiency in the concepts
we build. We can determine necessary and/or sufficient conditions at the secondary level by
relying on fuzzy logic and set theory, (Goertz 2006, pg. 39). Although it will be rare that the
current research will rely upon dichotomous categories, it is worth the effort to explore the
relationship between data and the conditions at the secondary level. Goertz explains that several
conditions at the secondary level might be expressed as a series of $x_1, x_2, x_3, \text{ till } x_n$. In a question of dichotomous thinking, we simply ask if each term is present or absent. If 1 equals present and 0 equals absent, then the additive equation should equal zero if none of the conditions are present. When the conditions add up to zero, than you do not observe the concept you hypothesize exists. This expression might be called the proof and would look as follows:

$$\sum = x_1 + x_2 + x_3 + \cdots + x_n$$

$$\sum = 0$$

The above can also be expressed in matrix form by utilizing what is called a truth table (3.3):

```
<table>
<thead>
<tr>
<th>$\sum$</th>
<th>$x_1$</th>
<th>$x_2$</th>
<th>$x_3$</th>
<th>$x_n$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
```

Hence, the above table outlines every possible iteration of the concept. It holds that, even if one condition is not present, you do not observe the concept. When one constructs a concept based on the above, one is utilizing the principle of AND or the plus sign in mathematics. Violating the
principle means that you do not have the concept, (Goertz 2006, pg. 39-40). Let’s consider the impact of OR on the above.

In some instances, we will need to construct a concept based on logical OR. Goertz calls this method the “family resemblance” approach based on the notion that one can look at family members and deduce that they must be related to one another, (Goertz 2006, pg. 40-41). Thus, we are talking about sufficiency. Consider the same equation as the mathematical expression of sufficiency:

\[ \sum = (x_1 \ast x_2 \ast x_3 \ast x_n) - (x_1 - x_2 - x_3 - x_n) - (x_n - x_3 - x_2 - x_1) \]

\[ \sum = 0 \]

The above can be expressed in matrix form (table 3.4):

\[
\begin{array}{cccc}
\sum & x_1 & X_2 & x_3 & x_n \\
1 & 1 & 1 & 1 & 1 \\
1 & 1 & 1 & 1 & 0 \\
1 & 1 & 1 & 0 & 1 \\
1 & 1 & 0 & 1 & 1 \\
1 & 0 & 1 & 1 & 1 \\
1 & 1 & 1 & 0 & 0 \\
1 & 1 & 0 & 0 & 1 \\
1 & 0 & 0 & 1 & 1 \\
1 & 0 & 0 & 0 & 1 \\
1 & 0 & 0 & 1 & 0 \\
1 & 0 & 1 & 0 & 0 \\
1 & 1 & 0 & 0 & 0 \\
0 & 0 & 0 & 0 & 0 \\
\end{array}
\]
It is not always appropriate to discuss concepts in terms of dichotomy. As one can see, it is very easy to eliminate necessity functions and very hard to exclude sufficiency functions especially when dealing with a large number of conditions. This research will rely on both necessity and sufficiency testing. For events, we use sufficiency testing especially in chapter 6. In terms of institutions, it is more appropriate to use continuous variable design (necessity testing).

It is more appropriate to rely on the notion that the world is not made up of black and white answers. Thus, we need a way to understand how concepts might be partially present. So rather than rely on the principle of zero and one, we should also consider the possibility that zero is a perfect absence of a condition and 1 is a perfect presence of a condition. Thus, the research is calibrated to fit the perfect conditions, which do not exist except in our normative minds. The logic of numbers allows for an infinite number of spaces in between the zero and one. Thus, we can rely on fuzzy logic to calculate our observations. The notion of logical AND and logical OR arise as a set of minimums and maximums. Logical AND is recognized when a certain threshold, set by the researcher based on deep knowledge of the cases, is reached. Logical OR is satisfied by a maximum threshold set by the research based on deep knowledge of the cases, (Goertz 2006, pg. 42). The continuous variable approach (Ragin) to sufficiency are expressed in Figure 3.1 (2008, pg. 48) while the necessity approach are expressed in 3.2 (2008pg. 54). Note how the collection of data points expressed in the upper triangular quadrant expresses sufficiency. Data points on the lower triangular quadrant indicate necessity.
Figure 3.1 – From Ragin 2008, a graph indicating a sufficient relationship between a causal condition and an outcome.

![Figure 3.1](image1.png)

Figure 3.2 – From Ragin 2008, a graph indicating a necessity relationship between a causal condition and an outcome.

![Figure 3.2](image2.png)
4. Quantifying Concepts in the Future

The point of bothering to quantifying concepts of Diné governance, both past and present, involves the very nature of contemporary governance. As will be argued later, in order for governance to work well, it must be a legitimate match between cultural values and governance institutions. Yet, the general consensus may be that something is wrong with contemporary Diné governance. Making the problem worse is that no one is quite sure what the problem is and, when one believes they have pinpointed the problem, very few agree. Some have framed the problem as a lack of written constitution today. Consider these five broadly construed questions relevant to the development of a Diné Constitution.

1. What is a constitution? What does it serve? Its purpose? As someone says “It would serve as a “solution” to our common Navajo issues.” In some respects, that is hardly a reason.

2. Does the Navajo Nation need a constitution? If not, why not? If we do, what are the pros and cons?

3. If we need it, what reasons would be accepted as legitimate by the Navajo people? Some public opinion says that Navajo Nation just needs it. If that is the case, will we adopt a constitution that is a mirror image of the US model constitution? Other Indians Nations who adopted the IRA model constitution, are they satisfied or not with that model?

4. If a constitutional model is to be developed that is “culturally relevant”, then what would it look like? In this context, what would culturally relevant mean? What steps should be developed within the Navajo Nation legislative process to make the constitutional adoption possible?

5. If there’s there to be any meaning to a Dine’ constitution, it should reflect a piece of organic document that will be our “Navajo” thinking, our speech, our planning, our life, our protection. How can such a model be achieved? How can such a model be designed to address issues most pressing to the Navajo Nation? (Yazzie 2008).

There are a number of densely packed issues contained in the above research questions and concerns. There should not be an assumption that a constitution will be the solution to what amounts to a problem in Diné country concerning effective governance institutions. The main emphasis here should concern itself with items three, four, and five. Yet, we have no idea what
the term “constitution” means and how it will have impact in Diné country. We also have no clue what it will look like on the ground if we saw it.

As Goertz has demonstrated, the best way to ensure that we keep our eye on the ball is to ensure that we have a foundation upon which to build. It is likely that the above methodological approach may appear overly complicated but, given patience, it is anticipated that the reader will find the above to be beneficial only after they explore the actually concepts in the later chapters. As such, it may be wise to return to this section upon looking at the examples. The risk of redundancy is the main issue in omitting examples here.
CHAPTER IV: CONCEPTS OF TRADITIONAL DINÉ GOVERNANCE

It is not the purpose of this chapter to retell the history of Diné Governance. Those interested in a brief history may revisit chapter two. Alternatively, information on traditional Diné governance can be located here: (Wilkins 1987; Wilkins 2002; Wilkins 2002; Wilkins 2003; Nielsen and Zion 2005). Rather, this section will outline several traditional Diné governance concepts using the concept building method discussed at length in chapter three.

Before we can explore the relevance that traditional Diné governance has for contemporary issues, we must more clearly understand the mechanics of traditional Diné governance. The concept building method literally creates a two dimension interpretation of how traditional Diné governance worked. (Two dimensions to the concepts literally mean that we have an x and a y axis. Do not confuse this language with the Goertz concept building method terminology “three-level view”.) The concepts are based on primary and secondary sources which are scant at best. While there is no concrete reason to assume that the literature is inaccurate, we should nonetheless remain cautious about relying to heavily on the concepts as they are depicted here. Rather, we need to take the perspective of a musician that is tuning her instrument. For example, a guitarist has many possibilities available regarding the tuning of the instrument. The whole point of playing music is to work with other musicians in order to create harmonious sound. Harmony can only be achieved if all musicians work together. Yet cooperation is not possible without fine tuning of the instruments themselves. As a scholar of Diné governance, I am currently working alone using the concept building method as an instrument. I eagerly await the day that others may comment on my “tuning” of the concepts. Thus, I remain open minded about the way in which these concepts are tuned to their environment. For this specific chapter, the goal is to relearn how traditional Diné governance
operated. A later chapter will explore how fine tuning might be applied to these concepts in order to maintain harmony in contemporary contexts.

A. Concept of Naat’áanii

Oral tradition and some primary documentation point to the existence of Naat’áanii, or traditional Headman, in Diné society, (Wilkins 1987, pg. 41). The components of Naat’áanii have been compiled from descriptive research and re-articulated into a three level view in table 4.1. The concept of Naat’áanii is made up of a basic level label, five secondary level conditions, and the traits which can be observed in the real world verifying the presence of individual secondary level conditions. The term Naat’áanii is a place holder. One can change the name of the concept but, so long as the conditions underlying the concept remain intact, the concept itself will not change. Table 4.1 also lists the five secondary level traits which make up the Naat’áanii. One may consider the five traits as necessary individually and sufficient collectively. In other words, each of the conditions must be present or the Naat’áanii concept is not present. Yet, each condition is not alone capable of representing the full Naat’áanii concept. Rather, all five conditions must be present to be a complete Naat’áanii concept. In other words, all five conditions are sufficient to declare a Naat’áanii concept present or observable. How does one consider the presence or absence of the five conditions? Below the secondary level conditions are connections between said conditions and what might be observable by the average Diné citizen. Below the secondary level conditions are the data/observations which can be discerned over and associated with the presence or absence of the corresponding secondary level condition. Consider one condition at a time as an example of the above design.
Table 4.1: Three-level View / Concept of Naataanii

- **Data/Observation Level**
  1. Recognition by Hastoi
  2. Recognition by Hataali
  3. Recognition by Dine People of a given region

- **Naataanii**
  - Advice and Counsel from Hastoi and Hataali
  - Selected by Dyin Dine’e
  - Intermediary between Dyin Dine’e and Dine people
  - Limited Scope to Region - reach of directives (geography)
  - Manage Political Economy, Morality, Internal affairs

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

Note that Hastóí and Hataalí also recognize (or do not recognize) that a given Naat’áanii are the intermediaries between the Diné people and “Diyín Dine’é”, (Wilkins 1987, pg. 41). Two outcomes of the relationship are of note: first, the concept of Naat’áanii as described in table 1 represents the important role that Hastóí and Hataalí represented in traditional Diné governance. Second, Hastóí and Hataalí had a heavy hand in determining who the Naat’áanii were. Note that Hastóí and Hataalí did not always have a say in every aspect of the concept of Naat’áanii. The secondary level condition of geography and regional scope is solely determined by the recognition the Diné people of a given region invested in their Naat’áanii. Once again, when the Diné people failed to recognize a given Naat’áanii, the legitimacy of the Naat’áanii comes into question. In other words, one would fail to observe a Naat’áanii if the support of the Diné people of a given region did not recognize a given Naat’áanii. What has been described
above are the descriptive characteristics of the concept of Naat’áanii. Consider the formal theory aspects of the concept building method as they pertain to the concept of Naat’áanii.

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

\[ A + B + C + D + E = \text{Naat’áanii} \]

These technical aspects become important later as the research analysis moves beyond description. For the above reasons, it is important to carefully consider the level of generality within the secondary level of a concept. A good concept construction allows for the basic level to be the most general. As such, Naat’áanii is the most general concept and remains at the basic level. The five secondary level conditions are less abstract and more specific to the basic level concept. Notice that all five secondary level conditions of Naat’áanii represent an approximately equal level of generality relative to one another. Carefully considering the various relationships examined briefly here will matter as tests of necessity, sufficiency, and substitutability of secondary level traits are employed. The main assumption here is that the traditional Diné governance structure can be adopted and modified for contemporary use in Diné country. Toward this end, consider another concept of traditional Diné governance.
B. Concept of War Naat’áanii

Another trait of traditional Diné governance is the notion of having governing specialists which focus their expertise on situations in time of war and peace. This innovation is represented by the traditional Diné governance structure involving war Naat’áanii and peace Naat’áanii, (Wilkins 1987, pg. 43). In Navajo, a war leader is called Hashkeji Naat’áanii. Table 4.2 is a representation of war Naat’áanii in three level view form. It is very similar in format as that found in table 1. War Naat’áanii represents the basic level. There are two necessary conditions of war Naat’áanii: knowledge and experience in one or more war ways and knowledge of war way ceremony, (Wilkins 1987, pg. 42). The primary and secondary research that exists on war Naat’áanii are incomplete for various reasons. One can deduce that the aspects of war Naat’áanii are inappropriate for sharing in research on Diné governance. The lack of information is clear by looking at the secondary level conditions of war Naat’áanii. Notice that both secondary level traits remain vague. Theoretically, it would be possible to create a highly informed concept of war Naat’áanii by discovering and sharing in this text the various war ways in terms of experience and ceremony. In other words, one could set up a set of secondary level conditions below “knowledge and experience” and “ceremony”. Ultimately, divulging information on war Naat’áanii is not necessary for contemporary Diné governance to function adequately. (A side note is interesting: medicine people are reluctant to speak on the topic of war Naat’áanii as they would rather leave it in the past for fear that the hardships that came along with the war way Naachid will come along with a revived Naachid.), (Benally 2009). The benefit to focus on for the purpose of this study is that the concept building method was capable of highlighting the vagueness with which the primary and secondary literature have detailed war Naat’áanii traits.
This benefit will be useful when discussing early twentieth century concoctions for Diné governance.
Table 4.2: Three-level View / Concept of War Naataanii

War Naataanii

Knowledge of and Experience in One or More War Ways

1. Recognition by Hastoi
2. Recognition by Hataali
3. Recognition by Dine People of a given region

Knowlegde of War Way Ceremony

Data/Observation Level

1. Recognition by Hastoi
2. Recognition by Hataali
3. Recognition by Dine People of a given region

+ = and
- = or
C. Concept of Peace Naat’áanii

Probably the most useful concept of traditional Diné governance is the peace Naat’áanii. (Peace leaders are called Hozhoji Naat’áanii.) Table 4.3 is the three level view of the peace Naat’áanii. The five necessary conditions are: 1. contribute to the sacred needs of Diné life and culture, 2. exhibit character, 3. be a good speaker, 4. exhibit charisma, and 5. contribute to the day to day needs of Diné life and culture, (Wilkins 1987, pg. 41-42). All of these secondary level conditions are recognized by the Hastóí, Hataali, and the Diné people of a specific region. Several Naat’áanii meet regularly for a Naachid, (Wilkins 1987, pg. 41).
Table 4.3: Three-level View / Concept of Peace Naataanii

- **Data/Observation Level**
  1. Recognition by Hastoi
  2. Recognition by Hataali
  3. Recognition by Dine People of a given region

- **Symbols**:
  - + = and
  - - = or

- **Concept Components**:
  - Contribute to the sacred needs of Dine Life and Culture
  - Exhibit Character
  - Be a good speaker
  - Exhibit Charisma
  - Contribute to the day to day needs of Dine Life and Culture

---

Note: The diagram illustrates the concept of Peace Naataanii with interconnected levels, each contributing to the overall concept. The symbols + and - indicate the logical relationships between the components.
D. Concept of War and Peace Naachid

The primary records indicate the existence of a war Naachid and a peace Naachid. A war Naachid is depicted in table 4.4. There are five necessary conditions of a war Naachid: 1. a war Naachid meets every two to four years or during an emergency which affects several Naat’áanii related regions, 2. There are 12 war Naat’áanii present, 3. war is occurring, 4. 12 peace Naat’áanii are present, and 5. war Naat’áanii have the floor. Note that the data/observation level involved recognition of all five necessary conditions by the Hastóí, Hataali, and the Diné people of the respective regions of the various Naat’áanii. A peace Naachid (table 4.5) is very similar to the war Naachid with two exceptions: First, if there is no war at hand then, second, the peace Naat’áanii have the floor. The above is how three-level view concepts can help us better understand traditional Diné governance. One needs to contrast concepts of Diné governance with English descriptions of Diné governance to truly appreciate the difference.
Table 4.4: Three-level View / Concept of War Naachid

Data/Observation Level
- 1. Recognition by Hastoi
- 2. Recognition by Hataali
- 3. Recognition by Dine People of a given region

* could be six
+ = and
- = or
Table 4.5: Three-level View / Concept of Peace Naachid

**Data/Observation Level**
1. Recognition by Hastoi
2. Recognition by Hataali
3. Recognition by Dine People of a given region

*could be six
+ = and
- = or
CHAPTER V. CONCEPTS OF CONTEMPORARY DINÉ GOVERNANCE

A. Business Council of 1922

The distinction between description and explanation may seem semantic, but the ability to see function, and dysfunction, comes in the form of understanding and linking intention and action. For the purpose of clarification, let’s assume that the contemporary era of Diné governance dates back from today to 1922. It is described for us that the discovery of oil in Diné country during the early 1920’s is a significant factor involving why a Business Council was formed in 1922, (Wilkins 1987, pg. 48). Yet, one of the greatest disservices that can be bestowed upon the citizens of Diné country is to misrepresent their contemporary governmental structures in terms of functionality. Expressing and depicting all of the forms that contemporary Diné governance took on using the concept building method may be dismaying but it will also highlight how things went wrong. Three level views of contemporary Diné governance can work as a diagnostic tool highlighting problems which need to be addressed directly. Consider table 5.1 and its depiction of the first Tribal Council of 1922. One of the most flagrant features of table 5.1 is the way in which the components of the council are top heavy. The heavy emphasis on administration is a good indication that very little connects the Tribal Council of 1922 with the Diné people. Primary and secondary resources are not detailed regarding the Tribal Council of 1922, (Wilkins 1987, pg. 48). Such vagueness is usually an indication that there is a problem with the concept itself. The basic level in table 5.1 is represented by the Business Council moniker. The conditions that made up the Business Council lack any logic.
Table 5.1: Three-level View / Concept of 1922 Tribal Council

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

+ = and
- = or
First, the distribution of royalties is present. This condition is linked back to the change in policy that the U.S. implemented enforcing a revenue distribution mechanism across all of Diné country and not focusing on the regions as it had before, (Wilkins 1987, pg. 49). Why this change? In superficial terms, the essence of re-distributing royalties in any agreement must take into account a finite set of resources. As such, re-distribution inherently must remove “excess” resources and transfer such remainders into the hands of others. Table 6 reflects the inherent bias in several ways. The vague secondary level condition of distributing oil revenue contains unstated conditions beneath it. The primary and secondary resources on the topic mention the existence of resource extraction corporations, (Wilkins 1987, pg. 48-49). The Business Council, therefore, is not easily pinned to a clearly established agenda and, therefore, individual administrators are free to inject their own judgment and, as many critics suspect, their own self interest into how royalties will be distributed. The secondary level condition of the three Navajos appointed by the Secretary of Interior has its own problems with vagueness. An unclear agenda regarding the qualifications of the “three Navajos”, an unclear set of limits for their actions, no mention of accountability, and various other unmentioned details leave such an arrangement under a cloud of suspicion. Finally, the third secondary level condition involving land leasing does not take much into account. Viewed objectively, the Business Council of 1922 appears to be a rubber stamp mechanism meant to ensure the vitality of parties interested in royalties related to oil on the Navajo reservation. The biggest concern with the three level view of the Business Council is found in the absence of conditions and data/observation level traits that would ordinarily be found in governance institutions. Where is health care and education of Diné people handled? Diné governing mechanisms continued to evolve but the changes do not seem to improve much.
On January 3, 1923, the Business Council was modified and tasked with assembling a committee to create a Navajo Tribal Council, (Wilkins 1987, pg. 51). Using the concept building method as a guide for criticism, the main problems involve two basic level conditions stacked on top of one another and a vaguely constructed data/indicator. Table 5.2 contains the three-level view of the modifications model. The main focus of the modifications, in comparison with the Business Council three-level view, involves the secondary level conditions. In the absence of other information, one could conclude that the modifications of January 3, 1923 are the result of sloppy work. Here, evidence in the primary and secondary literature points to motives of self interest. There is evidence that the January 3, 1923 model was hastily assembled in the wake of the Business Council model because the Business Council model was not accepted as a legitimate body fit to represent the Diné people, (Wilkins 1987, pg. 51). Second, the January 3 three-level view contains evidence of careful planning as well as sloppy planning. Note that the secondary level conditions are carefully constructed. The majority of the secondary level conditions are under the scrutiny of some branch of the U.S. government. Delegates and alternate delegates are removable by the Secretary of the Interior. Also, the Navajo Tribal Council can only meet when the Commissioner of Indian Affairs is present. Less apparent is the connection that a Chair and Vice Chair might have with U.S. interests. Regardless, if a Navajo Tribal Council is to function in service of the Diné people, the collection of secondary conditions must be questioned and the most obvious problems involve conflict of interest. A holdover from the Business Council model is the vague language used in the data/observation level. When a goal for a council is to be a “Federal Instrument of Dealing with All Matters of the Tribe”, it becomes much easier to table items especially if the secondary level conditions are weighted in favor of U.S. interests. More modifications followed.
Table 5.2: Three-level View / Concept of Tribal Council Modifications of January 3, 1923

Committee to Create a Navajo Tribal Council

Navajo Tribal Council

Meet when the Commissioner is Present + Delegate from each Agency + Alternate Delegate from each Agency + Chair + Vice Chair

* Removable at the Discretion of The Secretary of the Interior

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

On January 24, 1923, a Tribal Council was formed, (Wilkins 1987, pg. 49). Perhaps it is more accurate to state that the January 3 body was modified into the January 24 model. Table 5.3 is a three-level view of the January 24 body. The January 24 model is still problematic but it is the best model used so far by the Diné people since traditional Diné governance was in place, at least from the standpoint of concept building criteria. The basic level is properly tied to the secondary level conditions and these conditions all seem to have maintained a similar level of generality. The main issue to discuss is the continued weight that U.S. interests attempted to maintain within the council. Some U.S. interests were systematically removed, as indicated by the asterisks, from the model. The first significant change came in 1933 when the secondary level conditions “Federal representative be present at council meetings” and the requirement to “convene at the liberty of the Commissioner” were revoked as necessary conditions, (Wilkins 1987, pg. 49). Regardless, the main problem still involves the data/observation level. The vagueness of the language still remains the problem leading to the potential for power domination by elites within the tribal council. One caveat is that the January 24 council was less likely to represent U.S. interests as the secondary level conditions less overtly represent U.S. interests, (Lukes 2005). One might conclude that the Tribal Council body was hijacked by Diné citizens as evident by the several revocations that took place since its 1923 introduction. Over time, the data/observation level expanded to take on a form of Diné governance rather than merely serve as an advisory board to the Commissioner of Indian Affairs. One might assume that the January 24 model and its modifications would have remained in place had it not been for the Indian Reorganization Act.
Table 5.3: Three-level View / Concept of Tribal Council of January 24, 1923

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

2. **All of the Changes**
   - * - Changed to Commissioner of Indian Affairs 10/15/28
   - ** - Revoked 10/3/33
   - *** - Given Vote 7/10/34
   - **** - Expanded its scope of Observation
The U.S. interest in pushing tribal governments into the envelope of a U.S. constitutional model government contributed to the Navajo Nation creating a Tribal Constitutional Assembly in 1938, (Wilkins 1987, pg. 52). As was the routine, when U.S. interests got involved with Diné governance, a top heavy model was constructed as is evident by Table 5.4: a three-level view of the Tribal Constitutional Assembly. The most obvious failure of the Constitutional assembly is that it failed to write a constitution. Once again, a look at the secondary level conditions point to a U.S. interest. The most overt presence of U.S. interest in the assembly is the approval requirement indicating that resolutions cannot take effect unless the Secretary of Interior approves. Less overt, but questionable at the very least, is the secondary level condition involving rules for participation as a council member. Any set of rules which govern the participation in any exclusive body must be scrutinized for their discriminating properties to ensure that any unethical exclusions are not allowed to take place. Rules for participation are always subject to power domination, (Lukes 2005). From a functional point of view, the basic level condition of “constitutional assembly” floated down into the secondary level conditions and became a “bonafide” legislative body. By bonafide, one can consider how U.S. models for legislative bodies tend to produce professional politicians who, at times, seem more interested in protecting their job security than in serving their constituency. Finally, a look at the data/observation level indicates a good start but shifting conditions create problems and vagueness rears its ugly head. We know that the original intent of the constitutional assembly was to write a constitution. But when the object was not fulfilled, a much broader scope of governing Diné country was introduced by virtue of the council voting itself into office, (Wilkins 1987, pg. 52). Ill defined objectives allow for secondary level actors to dominate the legislature, (Lukes 2005). Left unclear in all of these changes is the impact that each council has today.
Table 5.4: Three-level View / Concept of Tribal Constitutional Assembly 1938:
This Became the "Rules for the Navajo Tribal Council

Executive Committee
Created 11-24-36

Constitutional Assembly devised

Rules for Participation - as Council Members

Basic Level Morphs into Legislative Body

Seventy-Four Delagates

Executive Office: Chair and Vice Chair

Resolution / Ordinance Approved by Secretary of Interior

*Write a Constitution

* Changed objective to Governing Dine Country in 1938

-Unclear to me how these rules relate to previous councils but they all appear to overlap somehow
C. Complimentary and Conflicting Convergence in Contemporary Diné Governance

In the twenty-first century, Diné governance functions adequately enough to prevent most Diné people from violently overthrowing it. Regardless, there are many tough questions which are unclearly addressed. Research of the primary and secondary literature produced ill-defined concepts of what constitutes contemporary Diné governance. One exception is David Wilkins work on contemporary Diné governance, (Wilkins 2002). His work is primarily descriptive. Today there is a Navajo Tribal Council, an advisory committee, a Tribal Council Code which includes a Bill of Rights, a description of Navajo Government Structure and Power, an outline of tribal membership criteria, election laws, outlines for dealing with fiscal matters, various business and commercial statutes, land use/natural resource management criteria, and elements dealing with law and order, (Wilkins 2002). Included in the Wilkins work is a diagram of contemporary Diné governance structure included here as table 5.5, (Wilkins 2002). The most prominent features of contemporary Diné governance involve the three-branch system made up of an executive, a legislative, and a judicial branch.
In December 1989, the Navajo Nation Council enacted Resolution CJA-72-89, which codified the separation of powers between the three branches.


---

**NAVAJO NATION**  
**THREE-BRANCH GOVERNMENT**

**EXECUTIVE BRANCH**
- Office of the Navajo Nation President and Vice-President
  - Executive Offices
    - Navajo Nation Washington Office
    - Navajo/Hopi Land Commission
    - Office of Navajo Tax Commission
    - Office of Attorney General
    - Office of Management and Budget
  - Division of Finance
  - Division of Public Safety
  - Division of Human Resources
  - Division of General Services
  - Division of Education
  - Division of Health Services
  - Division of Social Services
  - Division of Community Development
  - Division of Economic Development

**LEGISLATIVE BRANCH**
- Office of the Navajo Nation Speaker
  - 88 Council Delegates
  - Intergovernmental Relations Committee
  - Navajo Nation Council Standing Committees
  - Boards and Commission
- Legislative Offices
  - Office of Legislative Services
  - Office of Legislative Counsel
  - Office of Auditor General
  - Office of Ethics and Rules
  - Navajo Election Administration
  - Navajo Labor Commission
  - Navajo Government Development
  - Office of Miss Navajo Nation
  - Community Services Program
  - Legislative Personnel
  - Northern Navajo Agency Program
  - Agency Network Program

**JUDICIAL BRANCH**
- Navajo Nation Supreme Court
  - Office of the Chief Justice
  - Two Associate Justices
- District Courts
  - Chinle District Court
  - Crownpoint District Court
  - Kayenta District Court
  - Ramah District Court
  - Shiprock District Court
  - Tuba City District Court
  - Window Rock District Court
- Family Courts
  - Chinle
  - Canoncito
  - Crownpoint
  - Alamo
  - Tuba City
  - Window Rock
  - Shiprock
  - Peacemaker Courts

**Local Chapter Governments**
- 110 Navajo Nation Chapters

---

Figure 1. Three-branch government of the Navajo Nation

**A DINE POLICY PORTFOLIO**

The Navajo Nation government, like all indigenous and nonindigenous governments, is confronted by a battery of critical issues that push it hither and yon. We have already dealt with many of these—the
Presumably, the legislative and executive are derivative of the various tribal councils. There are problems, however, with the Wilkins chart. First, it is unclear if the Wilkins graph represents a normative or a realistic depiction of Diné governance. Second, it is still unclear what impact previous versions of the Tribal Council have on contemporary Diné governance and these impacts are not represented in the Wilkins chart. Third, there is no mention of Diné cultural norms in the Wilkins chart. As has been previously argued, without cultural norms, legitimacy is questionable at best. Facing a realistic depiction of Diné governance is necessary for improving Diné governance.

In fairness to Wilkins, his research in (2002) was constructed for the purpose of answering his research question: “Have democratic traditions taken hold?” For the purpose of his own research question, the Wilkins diagram is a wonderful model. To take his model and use it to analyze contemporary Diné governance, inject Diné cultural values, and reconstruct contemporary Diné governances stretches the capacity of the Wilkins diagram beyond its limits. Given this stipulation, it is necessary to look at contemporary Diné governance in a different manner. In the tradition of brutal honesty, contemporary Diné governance is messy; much messier than it is depicted as in Wilkins, (2002). The consequences of a Tribal Code, which allows for rule by resolution, followed by the cementing of the “Rules for the Navajo Tribal Council” set up a situation in which individual Diné people were capable of securing an executive position and consolidating power within the executive branch, (Wilkins 1987, pg. 61). Power consolidation in the executive was later offset by the legislative branch and a judicial branch was added. The relationships between the executive, legislative, and judicial branches were further modified by CD 68-89, (Wilkins 2002). Left unclear are the ways in which recent modifications have augmented, negated, or left unmodified previously articulated governmental
actions. With these caveats in mind, consider the following, potentially biased, representation of contemporary Diné governance.

Table 5.6 is another potential representation of contemporary Diné governance. It is based on set theory, (Ragin 1987; Ragin 2000; Ragin 2008). Each circle represents a population of legal instruments which have been enacted at some point for the purpose of governing Diné country. When the representative circles overlap, it means that a population of legal instruments is interacting with another set of legal instruments. Interaction is used here to represent that one of three possible outcomes is taking place: First, one set of legal instruments may be negating another set of legal instruments. Second, one set of legal instruments may be enforcing or rearticulating another set of legal instruments. Third, one set of legal instruments may be inadvertently and/or unknowingly contradicting another set of legal instruments. Making the issue of contemporary Diné governance more interesting is the inability for research analysts to limit the populations of legal instruments to two. Rather, Diné governance is subject to at least seven populations of legal instruments. Each must address issues that others have previously dealt with overtly or otherwise. These populations also deal with problems that previous populations failed to recognize. The reality of the matter is that the primary and secondary sources say very little on the interaction between the seven populations of legal instruments potentially governing Diné country. Regardless, these interactions must be clarified and understood by any group proposing modification to contemporary Diné governance.
Table 5.6: Subset View of Contemporary Dine Governance: unclear what still holds power

You should have a 500 year old headache!
CHAPTER VI: TRADITIONAL DINÉ GOVERNANCE: An historical test in resiliency

The literature, for better or worse, on Indigenous culture always seems to fall back on notions of cultural resiliency. Historical treatments of Indigenous cultural survival serve their purpose but it is beyond the scope of historical accounts to explain the essence of Indigenous resiliency. Rather, historical work is better suited to describe events which impacted Indigenous culture through time leaving us with a good understanding of how we find the culture today. Such a goal has been attempted here in chapter two on the History of Diné Governance.

Recognizing that cross cultural issues will emerge when time does not lend itself to an organization of a specific culture largely and generally falls to the hands of the anthropological research paradigm. The “unique” organization of a culture, while assumed to be linear by many scholars, has been taking to task by those intimately familiar with cultures more akin to organizing themselves not only within time (linear continuums) but also within their space (multi-dimensional continuums), (Deloria 1995; Deloria 2003).

Time alone and space alone inform us that Navajo Nation and its governance are here today. Describing that fact does little to advance the notion of building and rebuilding native nations. Explaining the relationship between governance institutions and resiliency, however, brings us full circle. Offered below is an empirical test highlighting a causal relationship between institutions and events. Even when events seem catastrophically geared toward erasing an institution of governance, the result is usually a state of dormancy for the institution under attack. (Evidence will be offered that, in many cases, the institution must be put to rest internally by the group. Institutions cannot typically be exterminated by an outside group independent of exterminating the group itself.) Exploring the causal relationship between institutions and events should highlight two aspects of contemporary Indigenous governance: Indigenous institutions of
governance are resilient for reasons independent of anthropological and historical description and European institutions of governance are equally resilient today for much the same reason.

A. Diné Institutions of Governance

What is a Diné institution of governance? The very question lends itself nicely to concept building but, such an endeavor may distract from the main goal here of articulating a causal relationship between institutions and events. Examples of Diné institutions may do a better job of defining institutions since a definition will require a higher level of generality and, therefore, become more abstract. What can be offered, then, are the various conceptual offerings throughout the present research such as all of the concepts depicted in chapter four and five. A three-level view of a Diné institution is included in the appendix as well. Thus, we may utilize the institutional perspective as a guide for defining Diné institutions:

A perspective that sees political interaction as depending on actors pursuing actions that are compatible with their interests and that are constrained by the structure of the situation in which they find themselves, especially the structure of political institutions. (Bueno De Mesquita 2009, pg. 434).

Within the institutional perspective are the characteristics of Diné governance institutions. Diné institutions are guiding contemporary domestic and international interaction among Diné and non-Diné political actors. The evidence of guidance comes from many places including corporate interests, local, county, and state interaction, federal, and international interaction on Diné Bikeyah. (May want to cite examples of each of these via news events) Thus, Diné institutions not only offer guidance but also prevent self and special interest from dominating the interaction process to varying degrees. Such is not to say that self interest is non-existent. Rather, institutions force actors to covertly cater to their self interest at worst and overtly pursue the interests of Navajo Nation at best. Hence, we may define Diné institutions as any aspect of contemporary Diné governance that guides and constrains interaction between Diné actors and
other Diné and non-Diné actors. Given this definition, our attention should focus on the guidance/constraint mechanism (institutions) and events (characterized by the culmination of interaction).

B. An International Frame for Institutions and Interaction

Part of the confusion in Indigenous governance must be attributed to what is a mix of facts (historical events) mixed with random situations (present condition of Indigenous nations). The linear (although at times haphazard) links between events and outcomes is not satisfying. For example, the history of federal Indian policy links facts (events) with outcomes (positive and negative situations) currently found in Indian country. There is nothing inherently incorrect about such an approach. Expanding beyond the scope of connecting facts with outcomes, however, requires a more sophisticated reading. Specifically, “Cases and Materials on Federal Indian Law” is a wonderful reference for events and outcomes, (2005). If our goal is to understand the way in which the American domestic legal and public policy system has overtly and covertly attempted to subjugate Indigenous nations that happen to fall within the domain of what the U.S. considers it’s sovereign territory then the Getches text is the place to go, (2005). Alternatively, (normatively), the tools necessary for understanding and improving Indigenous governance must step away from the “official” policy of the colonizer. (This is not to say the Getches text is the official story of the interaction between Indigenous and colonial actors but it is the policy) In short, the “history” of Indian law and policy is not only a history: it is a story of a self interested polity interacting with other actors and shaping its institutions to maximize the level of extraction (exploitation) possible based on the interaction and in service of said self interest. Native nation rebuilding requires a different approach to interaction.
In misleadingly simplistic terms, the policies and laws of the United States are meant to foster the self interest of the United States. The approach of contextualizing the Native American interest within the spectrum of other U.S. domestic interests has not yielded a satisfactory outcome for most, if not all Indigenous communities within the U.S. Such is not to say we abandon all domestic efforts to realize parity for Indigenous nations. What is offered here is not competitive to domestic pursuits but is complimentary. Reframing the pursuit of rebuilding Indigenous nations requires not only a domestic approach but also an international approach. Previous attempts to rebuild native nations have been tied to such international connections, (Deloria 1974). The results have been mixed but, in the end, the conservative domestic interests of the U.S. have been able to reframe efforts to internationalize (reinternationalize) the sovereign interest of Indigenous nations as an attack on America itself. But, once again, all of these events are merely descriptions of interactions between various actors constrained by their respective institutions. (Since the days of early colonial Indigenous interaction, the institutions for interaction have been the colonizers as is evidenced by the nature of the interaction (war, treaties, reservations) and the language of the interaction (Spanish, English, French, Russian), (Deloria and DeMallie 1999; Getches, Wilkinson and Williams 2005). The fact that certain interactions have been reacted to by non-Indigenous actors with hostility should give us encouragement that we may be on a good path for rebuilding native nations. Let’s explain why the clue of hostility is not merely fodder for t-shirt and bumper sticker printing.

The unfortunate scenario for internationalizing Indigenous issues may be that people harken back to memories of Wounded Knee in 1973 in which militant elements chose to militarize the struggle for maintaining and expanding Indigenous sovereignty, (Deloria 1974). Once again, there is room for such approaches but the current research is concerned with other
complimentary strategies. Events and interactions can, at minimum, be framed militarily, domestically, or internationally. For many U.S. interested entities (political parties, individuals, pundits) the default theoretical frame is realism and neorealism, (Morgenthau 1948; Waltz 1979). In short, any attack on the U.S. interest in security, power, and its dominant place as the single actor of a given land based domain is an attack on the U.S. itself. Part of the strategy to maintain a neorealist hold on the U.S. land base is to reframe Indigenous actors as domestic issues within the U.S. sphere of public policy. This is why facts regarding the international nature of Indigenous/colonial interaction are buried by myths of manifest destiny and conquest, (Deloria 1974; Deloria 1995; Deloria and DeMallie 1999). But the world of international relations need not be solely characterized by a set of false dichotomies: cowboys and Indians did not always go to war and trade alone. We as scholars of governance need to make this false dichotomous assumption clear and then approach future interactions with more nuances.

The institutional perspective on international relations is a strategic perspective based on the premise that institutions matter in an international setting, (Bueno De Mesquita 2009). Institutions guide interaction between actors by guiding and constraining actor behavior. If we can understand institutions, we can strategically maneuver within such institutions with our (Indigenous) self interest in mind. Defining our interests is not merely making a laundry list of our demands, however. Rather, we must better understand the origin of our interests and the interests of those we interact with. Hence, I revisit social constructivism most famously articulated by international relations theorists such as Hopf and Wendt, (2002; 1999). Social constructivism suggests that there are various overlapping interests impacting the way international actors interact with one another. The most relevant portions of social constructivism involves the relationship that exists within a single actor involving identity, interests, choices,
and behavior, (Hopf 1998). The relationship might be better understood using set theory and is offered in two alternative configurations.

Table 6.1 – Set Theory Approach to Social Constructivism (adapted from Hopf 1998)

<table>
<thead>
<tr>
<th>Interests</th>
<th>Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>State Behavior</td>
<td>Choices</td>
</tr>
</tbody>
</table>

The relations between the three aspects identified as working together within social constructivism work in tandem to create a working priority list for states to allocate resources towards. Interests of a state, or in this case an Indigenous Nation, are impacted by the identity of the population. The identity notion is a deviation from the Hopf description, (1998). Here I argue that identity is necessarily impacted by notions of peoplehood generally and by Diné philosophy of governance specifically. One can see how the two spheres of influence can work alone to have a better focus on a people’s interests based on their identity. Where the two spheres of influence overlap are the instances in which the priorities of governance remain.

The knowledge of your own identity and your own interests are not enough to make policy based decisions. State actors and Indigenous Nations also need to decide how to proceed
in addressing the various interests they possess. The interests are addressed in terms of time and in terms of resources with varying levels of priority based on their interests and based on their philosophy. Hence, we look to the overlap regarding the sphere of choices and how this influence interacts with interests and identity. The source of behavior for a state (Indigenous Nation) will be within the overlapping spheres of influence of all three impacting populations. Perhaps a project for future research, the overall reason for discussing social constructivism here is that it, hopefully, makes clearer a baseline for Indigenous and Diné leadership. But, as we have seen in history, the theory allows for outside influences to come into the population and, thus, this could be the source of disfunction today. We can imagine how interests were skewed by corporate interests in the early 1920’s for Navajo Nation. These influences may have dragged the choices outside of the grasp of the identity sphere of influence. But the above is only a depiction of one international actor. Since many actors must interact in terms of war, trade, cooperation, etc, we need to better understand how the end result, state behavior, is interacting and creating changes within individual state (Indigenous Nation) choices, interests, and identity. (The causal impact is likely two way.)

Taken collectively, various actors (colonial and Indigenous at least) will engage in various competing behaviors. These behaviors, according to social constructivism, are based on actor identity which shapes actor interests. Their independent interests, thus, impact the choices they make. If the theory of constructivism holds, then we can learn a few things about actor interaction. Some actors are going to strategically shape their behavior so as to realize a given identity. Other actors are going to rely on their identity to limit their behavior by limiting the spectrum of choices. In other words, some actors can and do limit their behavior by eliminating certain choices from their list of options simply because such choices would be inconsistent with
their philosophy or worldview. The advantage given the above approach is based on gaining more information. Actors can obtain as much knowledge as possible about the way others actors may wish to interact. Thus, the best strategy is to understand ones own identity, interests, choices, and behavior. This is something that all Indigenous nations can accomplish given their individual exhibition of the four aspects of peoplehood even if many Indigenous nations may not call it “peoplehood”, (Holm, Pearson and Chavis 2003). Secondly, the strategy for interaction also means we must understand the orientation that those we interact with assume. Sometimes an interaction partner can be complex requiring a look at the assumptions they make. Since the most visible aspect of their assumptions involve their behavior, we may need to backwards induct (reverse engineer) our way through their behavior through their choices, interests, and identity. For example, a multi-national corporation will behave differently than a colonial state when interacting with an Indigenous nation. Interests may converge and conflict, but identity and choices will differ resulting in differing behavior. Simultaneously, time is a factor. The way colonial actors and corporate interests once interacted with Indigenous nations is not the way they interact today. This is just another way of stating our initial premise: behaviors of those interacting are observable via events. It is truer for Indigenous actors than any other actor on the planet that their identity itself is wrapped up in their institutions of governance.

C. Why Institutions Survive Catastrophic Events

The resiliency with which many Indigenous nations have been characterized (due to their ability to withstand 500 years of colonial activity) has received a good deal of attention. Within this research, Peoplehood has been offered as a more concrete explanation for such resiliency arguing that when policy forms the basis for an attack (event), they tend to attack only portions of the peoplehood characteristics, (Holm, Pearson and Chavis 2003). Indigenous actors survive
only if some aspect of their peoplehood also survives the colonial onslaught. Yet, other theories compliment the notion that peoplehood explains (not merely describes) Indigenous cultural (governmental and otherwise) survival. Peoplehood explains why we have Diné institutions of governance to fall back on at all. Going further, the very resiliency of Diné culture also gains credibility when it is directly linked to the notion that institutions themselves, regardless of their cultural origin, are quite resilient.

The resiliency of institutions themselves is not a “mythic” phenomena reserved only for Indigenous cultures. Institutions exist in Indigenous cultures just as they do in non-Indigenous cultures. Complimentary to other explanations for why Indigenous institutions of governance continue to exist, consider the punctuated equilibrium model (or PEM) as it has been applied to public policy research. PEM, in its original form, is a theory of evolution meant to explain the problems that incremental forms of evolution fail to explain such as gaps in the fossil record. Given these gaps, researchers in biology proposed that gaps in the fossil record may be explained by virtue of a “shock” to the environment which eliminated a species thereby opening a niche for another species to thrive in some new form, (Diehl and Goertz 2000). Admittedly, PEM may seem a world away from Indigenous governance institutions research. Regardless, the philosophy of the current research design has relied upon a key assumption: good research designs can be fine tuned to their respective environment. Much of the fine tuning has already been done regarding PEM and non-Indigenous institutions, (Diehl and Goertz 2000). Let us examine how well PEM may work in explaining Indigenous institutions of governance and their resiliency to colonial activity.

Social science PEM applications include research on public policy formation and rivalries, (Diehl and Goertz 2000). Once again, the reason that the diversity of phenomena
captured within a single explanatory mechanism can occur is because we are back to events and outcomes. PEM can help us guide our thought process (an institution) as we explore the events (biological, public policy, or Indigenous institutional survival) most relevant to the current research. PEM is characterized by identifying two key framing mechanisms: “critical junctures” and “path dependency”. Depicted in table 6.2, PEM assumes that a “shock” to the political system opens up an opportunity for several options to occur. The shock is more generally known as a critical juncture; a point in time in which several options are available to populations in the aftermath of the shock. Several paths are chosen but system investment in one path begins creating the notion of “sunk costs” or the allocation of resources into building an infrastructure in support of a single path. As such, it becomes more difficult as time and resources are sunk into a path to change paths. This phenomenon of “path dependency” explains why a system of governance can be unforgivingly inefficient or otherwise negative yet there are too many invested powerful entities (individuals, corporations, etc) to allow for a path change, (Collier and Collier 1991; Mahoney 2003; Pierson 2004). Given PEM, it is now (hopefully) easier to explain the connection between the arrival of colonial actors and the emergence of contemporary Indigenous governance.
Contemporary Indigenous governance did not arrive by accident. Many would argue that it is the legacy of centuries of federal Indian policy, (Getches, Wilkinson and Williams 2005). Referring to table 6.3, it is now possible to consider “Path A” as the pre-contact Indigenous governance, (Deloria 2006; Holm, Pearson and Chavis 2003). The “critical juncture” or “system shock” was, for example, the arrival of Europeans in the new world. Alternatively, the shock can be any other event such as a war, a treaty, an act of removal, or any of the subtitles listed in chapter two on the history of Diné governance. For the sake of simplicity, let’s assume the event is the arrival of Europeans. While it was not a uniform arrival, the shock remained even if it was unevenly distributed across Indigenous nations through time. Many paths were followed. For example, British forces came to dominate the North American region and Spanish colonial actors rose to power in the South. But what if paths not followed the way history explains them had been followed? What would have happened had the Louisiana Purchase not taken place? What if the US would not have annexed California, Nevada, Utah, parts of Arizona, New Mexico, Colorado and Wyoming, or what of the question of Texas? Any of these paths could have been dealt with differently and, had sunk costs been overwhelming, path dependency may have locked
in a much different “Path B” than the path history has outlined. And while the ramifications for exploring and explaining the past are powerful, the ability for PEM to shape our future public policy is at least as intriguing. Given the PEM explanation for the current state of Indigenous governance, it is now possible to explore a future world in which a political shock opens the door for the rebirth of Indigenous governance.

Consider for a moment that a political shock occurs forcing the US to deal with issues unrelated to Indian country. In many ways the process may already be taking place when one considers Iraq and Afghanistan, the emergence of Indian country economies based on casinos and resorts, as well as the rise of the Euro and the challenge for US hegemony by China and India. There are several potential shocks that could cause the decline of the current US dominated stasis period. It would only take one shock to dislodge the current stasis period and then the shock would die quickly. Left unclear is what would take its place nor how it can be possible to support a traditional Indigenous form of governance to gain momentum and lock into a stasis period. Such arguments are not new in political science. Essentially, PEM offers a more systematic way of waiting for a window of opportunity in which quick action is necessary on at least two fronts. First, the traditional knowledge path must be driven into the gap created by the political shock. Any path that is newly introduced must overcome its critics while producing quick gains early on. Second, the various alternative paths must be discredited to the point that people abandon them as quickly as possible. These two strategies would force more resources to be allocated to an Indigenous form of traditional governance filling the void left by the decline of US hegemony. PEM explains why institutions (in general) survive and what it takes to dislodge institutional pathways. Peoplehood explains why some pathways go dormant only to potentially remerge. The history of Diné governance is full of examples articulated above.
D. Testing Diné Institutions

We have explored at least two explanations for historical outcomes above. Peoplehood explains why some Indigenous institutions survive. PEM explains why some institutions (generally) do and do not survive. Together, they create a frame for reassessing the history of Diné governance. Reassessing the history of Diné and colonial actor interaction requires some simplifying assumptions. It is reasonable to assume that traditional and contemporary Diné governance are, at least, institutions of governance. The definition offered earlier outlines a minimum set of requirements to which Diné governance institutions adhere. In chapter two, a history of Diné governance is offered not only to bring the reader up to speed on the impact of colonial interaction on contemporary Diné governance but also to serve our purposes here. If we also assume that each of the interactions between Diné people and colonial actors are events, we can go further and assume that some of those events are shocks to the Diné institutions of governance. As will be demonstrated below, there are at least two outcomes to shocks: institutions survive (typically modified) or institutions disappear. After we test the history of Diné governance, two aspects of Diné governance will become clearer: few Diné institutions were eliminated solely based on colonial activity and of the Diné institutions that “appear” to have been eliminated, clear evidence of suspension may be a more accurate description of the status of said institution. In other words, some Diné institutions which seem to have disappeared may, in fact, remain dormant today by virtue of a conscious effort by Diné leadership to strategically obscure some institutions.

In chapter two we explore the history of Diné governance. Here we need to explore the events which occurred in a timeline fashion. Shocks to the system do exist in the accounts of traditional Diné governance. These shocks, while interesting, are outside the scope of the current
research because the goal here is to demonstrate how inter-cultural interaction is retold by the apparent victor in a flawed manner. Hence, the focus will be on the interaction period. The events, outcomes, and shock ratings are depicted in Table 6.3 below:

<table>
<thead>
<tr>
<th>Event</th>
<th>Outcome</th>
<th>Shock Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Contact of 1583</td>
<td>None</td>
<td>.01</td>
</tr>
<tr>
<td>B. Treaty of 1706</td>
<td>Diné (and other tribes) work to drive out Spain</td>
<td>.17</td>
</tr>
<tr>
<td>C. Treaty of 1786</td>
<td>Diné allow Spain to occupy New Mexico area</td>
<td>.36</td>
</tr>
<tr>
<td>D. Treaty of 1805</td>
<td>Cease fire due to 100 Diné killed in fighting</td>
<td>.23</td>
</tr>
<tr>
<td>E. Treaty of 1819</td>
<td>Cease fire due to losses (Spanish and Diné)</td>
<td>.09</td>
</tr>
<tr>
<td>F. Mexico Declares Independence 1821</td>
<td>None</td>
<td>.01</td>
</tr>
<tr>
<td>G. Treaty of 1822</td>
<td>Encourages European Warfare</td>
<td>.05</td>
</tr>
<tr>
<td>H. Treaty of 1823</td>
<td>Encourages slave trade/political economic interaction</td>
<td>.08</td>
</tr>
<tr>
<td>I. Treaty of 1824</td>
<td>Not known (lost to time)</td>
<td>.01</td>
</tr>
<tr>
<td>J. Treaty of 1824 II</td>
<td>(recheck – could be mistaken)</td>
<td>.01</td>
</tr>
<tr>
<td>K. Treaty of 1835</td>
<td>Not known</td>
<td>.01</td>
</tr>
<tr>
<td>L. Treaty of 1839</td>
<td>Offset kidnap of Diné women for a time</td>
<td>.12</td>
</tr>
<tr>
<td>M. Treaty of 1841</td>
<td>Cease fire to recover from war/slave raids/etc</td>
<td>.07</td>
</tr>
<tr>
<td>N. Treaty of 1841</td>
<td>Not known (lost to time)</td>
<td>.01</td>
</tr>
<tr>
<td>O. Treaty of 1841 III</td>
<td>Not known (lost to time)</td>
<td>.01</td>
</tr>
<tr>
<td>P. Treaty of 1844</td>
<td>Cease war/encourage free trade</td>
<td>.05</td>
</tr>
<tr>
<td>Q. U.S. takes southwest</td>
<td>None</td>
<td>.01</td>
</tr>
<tr>
<td>R. Treaty of 1846</td>
<td>None</td>
<td>.01</td>
</tr>
<tr>
<td>S. Treaty of 1848</td>
<td>None</td>
<td>.01</td>
</tr>
<tr>
<td>T. Treaty of 1849</td>
<td>War, slave raids, killing of Naat’áanii, and resentment</td>
<td>.14</td>
</tr>
<tr>
<td>U. Treaty of 1851</td>
<td>Redundant, 1849 treaty replayed with other Diné</td>
<td>.1</td>
</tr>
<tr>
<td>V. Treaty of 1855</td>
<td>Split approach (peace Naat’áanii sign/war Naat’áanii not)</td>
<td>.32</td>
</tr>
<tr>
<td>W. Armistice of 1858</td>
<td>Cease fire to prepare for peace negotiations/animals killed</td>
<td>.4</td>
</tr>
<tr>
<td>X. Treaty of 1858</td>
<td>Eastern boundary set/US legal authority imposed east</td>
<td>.24</td>
</tr>
<tr>
<td>Y. Treaty of 1861</td>
<td>War continues</td>
<td>.65</td>
</tr>
<tr>
<td>Z. Hwélídi 1864</td>
<td>Walk to Bosque Redondo</td>
<td>.77</td>
</tr>
<tr>
<td>AA. 1864-68</td>
<td>Carson extermination at Canyon De Shelly/some walk away from Bosque Redondo/others stay and starve/US gives up on Bosque Redondo experiment and allow remaining Diné to walk home</td>
<td>.74</td>
</tr>
<tr>
<td>AB. Treaty of</td>
<td>Diné homeland returned to Diné / Remaining people return</td>
<td>.61</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1868</td>
<td>Blessing Way at Window Rock, domestic governance resumed</td>
<td>Groups go in four directions – basis for contemporary agency system – note lack of “protection way” ceremony.</td>
</tr>
<tr>
<td>1868</td>
<td>1868 treaty generally acknowledged</td>
<td>Assimilation period begins.</td>
</tr>
<tr>
<td>1869</td>
<td>Reservation expanded</td>
<td>Outside U.S. reservation boundaries listed in 1868 treaty.</td>
</tr>
<tr>
<td>1878-1884</td>
<td>“Traditional” leaders replaced by new leaders</td>
<td>Chosen as outlined by Federal Indian Policy of assimilation.</td>
</tr>
<tr>
<td>1878-1884</td>
<td>Chee Dodge replaces Manuelito</td>
<td>Bilingual mixed blood replaces legendary war leader.</td>
</tr>
<tr>
<td>1878-1884</td>
<td>Four directions formally acknowledged and a fifth central agency is set up</td>
<td></td>
</tr>
<tr>
<td>1884</td>
<td>Corporations take notice of Shiprock Agency</td>
<td>Since oil is discovered – a need to make land leases on Navajo Nation is needed to allow for more corporate interaction with less oversight by the Navajos.</td>
</tr>
<tr>
<td>1921</td>
<td>Distribution of revenue simplified</td>
<td>So that fewer Navajos needed to agree to lease land for the purpose of extracting oil. Corporations allowed easier access to oil deposits for less than fair market value.</td>
</tr>
<tr>
<td>1922</td>
<td>Navajos take more control over land leases for purposes of oil extraction</td>
<td>U.S. government approval forced into the model.</td>
</tr>
<tr>
<td>1923</td>
<td>Business Council Expands scope of operation and becomes the Navajo Tribal council</td>
<td>An overarching Federal system of governance encompassing all five agencies.</td>
</tr>
<tr>
<td>1933</td>
<td>Tribal Council revokes direct U.S. impact on their policy decisions</td>
<td>(covert influence remains)</td>
</tr>
<tr>
<td>1934</td>
<td>Indian Reorganization Act ends allotment and encourages Navajo Tribe to write a constitution similar to U.S. model</td>
<td>– Navajos resist</td>
</tr>
<tr>
<td>1938</td>
<td>Members of Tribal Council create an Assembly to write a constitution.</td>
<td>They fail to write a constitution and, instead, vote themselves into power becoming the Tribal Council. Provisions about approval from the Secretary of Interior of the U.S. and other overt attempts by the U.S. to exert power over Navajo tribe are rejected. Covert influence remains constant.</td>
</tr>
</tbody>
</table>
What is included and excluded from the table is always going to be debatable and not everyone will be satisfied with the current approach. These qualifications aside, the reasoning here is as follows: The time period in which the greatest series of shocks to Diné institutions is limited to the period of contact up until the period of the formation of the Navajo Nation (Tribal) Council. Other shocks to the system certainly exist but these shocks are beyond the scope of this research. Our goal here is to demonstrate that colonial attempts to destroy Diné institutions of governance have largely failed.

With the above in mind, table 6.3 depicts events which have occurred between the point of contact to the formation of the contemporary governance institution. The events list is more or less comprehensive in that the list is typically retold by non-Navajo oriented history texts. The list is supplemented with Diné accounts of their own history which help explain interactions with colonial actors further. Next, the outcome column depicts a narrow interpretation of the event. The outcome is strictly framed as the Diné interpretation and impact experience. The outcome can be considered intersubjective because the following events are necessarily derivative of such interpretation. Simultaneously, the subsequent event is necessarily, at times, a response to which further Diné interpretation of and reaction to said event is intersubjectively experienced. We need to have this vantage point since we are most concerned with the impact of events on Diné institutions. The third column may need the most explanation.

The shock rating is a relative scale of shock felt by the Diné after an event occurs. The shock scale is based on the notion of a concept continuum. A rating of 0 indicates that there is absolutely no impact whatsoever. The 0 indicates that, essentially, no event has occurred. Logically, it is a mistake to include an event in the table of events which ranks as 0. Including an event which has no impact on the Diné amounts to discussing an event which has no relevancy to
the Diné. Such is the most extreme negative point on a concept continuum of shock which is possible. One should consider the event shock value of 0 as the boundary for impact. There also exists a positive extreme point which denotes the most shock and impact surrounding an event. Such an event may be so impactful that it eliminates the group or transforms the group to such a degree that they no longer can be considered the same group as they were before the event. The 1 shock rating for events is the other extreme along the continuum of events. To include an event which ranks 1 should give us great caution as it may indicate that all of the other events along the continuum of events need to be reconfigured. An event ranked as 1 should be a red flag that there is more to the story than just a mere event. Events which are ranked at the extremes are to be considered “ideal types,” (Collier and Collier 1991; Goertz 2006; Ragin 2008; Sartori 1970).

These ideal types are perfect and, therefore, cannot exist in the real world. There is room for the ideal type in normative theoretic research which discusses where policy should or ought to be (0) or where policy should or ought not to be (1). Of course, normative policy discussions as depicted here assumes that policy makers want as little change as possible to Diné governance and that elimination of Diné governance entirely is not desired. Note that the infinite range of possible shock values lies between the value of 0 and 1. Hence, events will be ranked relative to one another and in between the value of 0 and 1. [The above methodological approaches come from various sources and culminate here to best frame the Diné colonial experience, (Goertz 2006; Ragin, Drass and Davey 2006; Ragin 1987; Ragin 2000; Ragin 2008; Ragin and Becker 1992; Sartori 1970)] If we assume a normal distribution of events (which is not necessarily the case with actual data), 68 percent of events that have occurred should fall 1 standard deviation from the mean event and 98 percent of events should fall 2 standard deviations from the mean event. (See table 6.4 for a visual depiction of the shock continuum.)
Now we have an idea of the spectrum of events which have impacted Diné institutions. The poles are established by reordering the events along the continuum. Any event ranked 0 is not relevant to Diné institutions. Any event ranked 1 is so fantastic that it is improbable if not impossible. The scale of shock is intersubjective in that the shock is based on the Diné perception of the event itself. For the sake of clarity, each event is assigned a letter in the order of time in which the event occurred. Hence, the first contact event is assigned the letter “A”. This way, all of the events can be placed on the continuum. Since the most interesting events are likely the events that have had the most impact, let's start here. The most impactful event from table 6.4 is the long walk or Hwéeldi. Yet, even this event is not anywhere near a 1 on the scale of impact. For example, there is evidence of California tribes which were outright victims of genocide at the hands of settlers. Small bands near the coast were encountered and the
Indigenous men were killed in the initial battle with European men. The women and children remained in the village waiting for word from the men regarding the new arrivals. With no word from their men, the women and children either waited or realized that something horrible had happened and fled to other villages. Many were seized upon by settlers and killed in a form of genocide or ethnic cleansing, (Bordewich 1996; Heizer 1993; Trafzer and Hyer 1999). This type of event would rank at .95 since it catastrophically impacted the governance institutions of the tribes let alone the tribe itself. Since there never was an event like the above for the Diné, one cannot merely rank the long walk as 1. Rather, let us presume that the long walk was the most shocking event with a rank of .77. On the other end of the spectrum are events which had little impact if any. Some events are simply not well understood. In the case of lack of information, we can assume that the outcome was of little or no impact, hence, these events have been assigned a rating of .01. Yet, consider that since these events are so close to 0, and the history of such occurrences seem to warrant little if any coercive impact on the Diné, ranking so low on the scale of shock may allow us to reconsider how relevant these events really are to the Diné. In other words, these events really mattered much more to colonial actors than they do to anyone else. [More information on calibrating concept continuum scales can be found in Ragin, (Ragin 2008)]

Table 6.5 is a collection of descriptive statistics based on the events of Diné history. The main thing to note here is that, first, there are a great deal of events recorded by non-Navajo history that really have had little to no impact on Diné institutions. Secondly, only two events get above a .6 and only 4 events go beyond .5. Table 6.6 is the distribution of event frequency and the relative shock value of the individual events. There are a total of 41 events. The distribution of events based on relative shock to Diné institutions is in line with what peoplehood predicts.
The majority of events, although qualitatively horrific, had little impact on Diné institutions in general.

Table 6.5 – Descriptive Statistics on Events in Diné History

<table>
<thead>
<tr>
<th>Event Frequency</th>
<th>Lower Shock Range</th>
<th>Upper Shock Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>.0</td>
<td>.09</td>
</tr>
<tr>
<td>8</td>
<td>.1</td>
<td>.19</td>
</tr>
<tr>
<td>6</td>
<td>.2</td>
<td>.29</td>
</tr>
<tr>
<td>4</td>
<td>.3</td>
<td>.39</td>
</tr>
<tr>
<td>3</td>
<td>.4</td>
<td>.49</td>
</tr>
<tr>
<td>0</td>
<td>.5</td>
<td>.59</td>
</tr>
<tr>
<td>2</td>
<td>.6</td>
<td>.69</td>
</tr>
</tbody>
</table>

Table 6.6 – Distribution of Event Frequency and Relative Shock Value
In fact, evidence of Diné institutional impact is depicted in table 6.7. Here you have a 2 by 2 table. The first column is the category of events which shock the Diné institutions of governance. The second column represents the outcome of institutions. The last column represents the Diné institutions which stop operating. Based on the historical record, there is only one instance of a Diné institution halting. The Naachid is last held prior to the long walk by most accounts, (Austin 2007; Wilkins 1987). There are no other events which indicate a Diné institution ceases to be practiced. This is the first hard evidence that colonial attacks on Diné culture have failed. But this is not to say that modification of Diné institutions is not a factor. The information can be pursued further with even more interesting interpretations.

<table>
<thead>
<tr>
<th></th>
<th>Survive</th>
<th>Dormant/CEase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shock less than .59</td>
<td>37</td>
<td>0</td>
</tr>
<tr>
<td>Shock more than .6</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

That only one event in Diné history produced the outcome of an institution ceasing to operate is a clue that there are certain conditions which result in such outcomes. The conditions which lead to the loss of Diné institutions are:

A. Forced removal  
B. Active war  
C. Impact on political economy  
D. Ineffective treaty/reservation confinement (commitment problems)

These are the four factors which led to the loss of the Naachid. The outcome, ceased institutional operation, may be represented by X. Hence, the following equation:
A + B + C + D = X

By negating even one of the conditions (A through D) we end up with the inability to stop a Diné institution from operating. For example, consider the other events which rank at .6 or higher on the scale of shock. This nets 4 events in total. The events are the treaty of 1861, the Long Walk, the 1864-68 Carson expedition in Canyon de Chelly, and the Treaty of 1868. These events share some of the conditions leading to the stoppage of Diné institutions. None of the events share all the conditions. These events are depicted in table 6.8, a truth table of all events indicating the presence or absence of the five conditions listed above.

Table 6.8 – Truth Table of Events and Conditions

<table>
<thead>
<tr>
<th>Event</th>
<th>Condition A Removal</th>
<th>Condition B War</th>
<th>Condition C Impact. P/E</th>
<th>Condition D Commit Prob</th>
<th>Outcome X Dormancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>B</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>D</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>E</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>F</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>G</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>H</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>I</td>
<td>No Data</td>
<td>Lost</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>J</td>
<td>Verify exists</td>
<td>Lost</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>K</td>
<td>No Data</td>
<td>Lost</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>L</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>M</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>N</td>
<td>No Data</td>
<td>Lost</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>O</td>
<td>No Data</td>
<td>Lost</td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>P</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Q</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>R</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>S</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>T</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>U</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>V</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>W</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>X</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Y</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Z</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>AA</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
The events I mention below are bolded in table 6.8. We can remove many of the events to get a more manageable view by limiting our focus to events with a .6 level of shock or higher. I have created this table (6.9) and included it here (the same events bolded in table 6.8 are expressed alone in table 6.9). For both tables 6.8 and 6.9, the first column represents the events (for table 6.9, only events with shock values of more than .6). The subsequent columns from left to right are the conditions which are present in the given events. By negating one of the conditions, the resultant loss of an institution is prevented. The 1861 treaty lacked a forced removal condition. With the Diné within their sacred mountain boundaries, they had no reason to give up the Naachid. The Long Walk event did contain all four conditions leading to the suspension of the Naachid. The Carson campaign lacked the necessary enforcement of prior treaty guidelines, namely the removal clause. And the Treaty of 1868 event lacked two conditions; forced removal and active war. With these events and outcomes articulated we can re-present the events and outcomes in table 6.10.

Table 6.9 – Truth Table with Event Shock at .6 or higher

<table>
<thead>
<tr>
<th>Event</th>
<th>Condition A Removal</th>
<th>Condition B War</th>
<th>Condition C Impact. P/E</th>
<th>Condition D Commit Prob</th>
<th>Outcome X Dormancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Table 6.10 is a 2 by 2 table of causal conditions and outcomes. The conditions here are based on a threshold rating of the shock of events equal to .6 or higher. An event rating greater than .6 is considered a necessary condition for stopping a Diné institution. There are no losses of institutions below a rating of .6. Yet, even the rating level being sufficiently high is not enough to prevent an institution from being carried out. One needs to find all four casual conditions. What this table suggests is that events must be sufficiently shocking to the system before one can even begin to bring in the conditions necessary to eliminate an institution. Even when the shock value is high enough, all four conditions must be met or the institution will continue.

<table>
<thead>
<tr>
<th></th>
<th>Condition Absent (no shock)</th>
<th>Condition Present (shock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>AA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>AB</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

So what does the above all collectively mean? What has been demonstrated here is that there are several causal mechanisms at work in the history of Diné governance. We have discovered that regardless of 500 years of colonial activity, there exists a recipe resulting in the dormancy of Diné institutions of governance. Hence, the relationship between events and impacts on institutions is quite drastic and clear. We can re-express the causal relationship using set theory as has been done in table 6.11.
Set theory is a method used to better understand the relationship that outcomes have with one another. These connections may remain obscured if we allow our histories or our other linguistic efforts to take charge of understanding the relationship. Our findings indicate that of the 41 events which are mentioned by mainstream history, only 4 events can be logically traced to a threat to Diné institutions of governance. Of the 4 events, only one event can be traced to the dormancy of a Diné Institution of governance, the Naachid.
The most interesting result of the analysis thus far is that it is a rare event resulting in the dormancy of a Diné institution of governance. But the research can be taken even further. A part of the family of methodological approaches mentioned earlier includes fuzzy set analysis, (Ragin 2008). The rare characteristics of the events and outcomes can be calculated to prove that the events are in fact rare, thus demonstrating that colonial activity is futile when it comes to destroying institutions of Diné governance. Fuzzy set methodology holds that one may be able to illuminate a “recipe” with which to arrive at a given outcome. Hence, I have previously identified the four conditions which must all be present in order for an institution of Diné governance to go dormant. The conditions (a. removal, b. war, c. economic impact, and d. commitment problems) are only present one time in the entire history of interaction. That this is a rare event is proven by looking at the coverage percentage of all the events in which all four conditions exist. If we take the truth table (table 6.8) and convert the yes answer into 1 and the no answers into 2, we can test the consistency and coverage of the four conditions and their relationship to the outcome of institution dormancy. The level of coverage is only .04 or 4 percent. Hence, 96 percent of the time there is no outcome indicating that an institutions has been forced into dormancy. But dormancy is the most extreme outcome that can be measured. Reconfiguring the data can produce even more interesting results which can inform our future policy approaches.

E. Why Traditional Diné Governance is not Going Away

What has been tested above will, hopefully, incontrovertibly demonstrate that the relationship between colonial activity up to and including acts of genocide have failed to eliminate the majority of pre-contact institutions of governance. The topic is explored because it is difficult to argue for the use of institutions if those institutions either no longer exist or the
institutions cannot survive the contemporary political environment. Hence, the evidence is overwhelming and conclusive in that traditional institutions of governance still exist even if in a dormant state. And even the one institution that seems to remain in dormancy, the necessary conditions for creating more dormancy has not been exercised since 1864. The theoretical explanation for dormancy and potential for revival are complex and dynamic yet they hold up. The test of institutions is designed to demonstrate how past historical research has merely retold the official story from the perspective of the U.S. government. While this fact is not new nor ground breaking, what is wholly unique is that the research has not be “reinterpreted” nor has new archival research come to light with little or no impact on the entire picture. Rather, the mainstream evidence, supplemented by the oral accounts, force researchers to reexamine the “main events” that have been handed to us by past historians. Citizens of Navajo Nation need to understand how powerful and resilient their traditional institutions of governance were and are. Such powerful evidence supporting the strength and resiliency of traditional institutions of Diné governance should remove our doubts about the ability of those same institutions to serve the contemporary citizens of Navajo Nation.
There are examples of traditional Diné governance in contemporary institutions of the Navajo Nation. Chapter 6 explains why such an outcome should not surprise us. Yet, there remains neglected areas which do not incorporate as much of the traditional institutions as might be possible. First I will cover what does exist in contemporary Diné governance generally. Then, I will propose specific aspects of contemporary governance which might be improved if traditional institutions are better incorporated into the contemporary institution. Institutions are a part of a political science perspective which makes some general assumptions about the political environment. The institutional perspective is defined as:

- A perspective that sees political interaction as depending on actors pursuing actions that are compatible with their interests and that are constrained by the structure of the situation in which they find themselves, especially the structure of political institutions. (Bueno De Mesquita 2009, pg. 434).

Hence, I assume that contemporary Diné governance must grapple with the norms of European style governance. (See chapter 6 for the logic behind this assumption) I also assume that not all aspects of European norms of governance are compatible with traditional Diné governance. There is much evidence of this assumption in chapter one on the philosophy of Indigenous thinking. The comparative differences are more apparent in the chapter on the history of Diné governance. As a result, a third assumption is that European norms of governance are here now and cannot be dismissed as non existent. As such, we must acknowledge the institutional perspective as a way of holding future leaders to something. I argue that the institution is that “something” we must work with in order to bring more traditional approaches to governance into the future.

Let’s return to the definition of the institutional approach to political science. Contemporary Diné governance is a process of interaction today as it was prior to contact with
colonial actors. A fact we must also take without much debate is that “interests” may have changed but have always been a part of Diné governance. If the institutional perspective is useful to us it is because the structure of domestic and international relations are going to limit the activity of leaders. This assumption can be a benefit to Diné people by painting their leaders into a corner regarding policy decision making. The leap that must be made now is accepting the possibility that traditional Diné governance may be worked into contemporary Diné institutions in such a way that they promote the well being of Diné citizenry. This helps us to understand how institutions can work to keep leaders honest. It also is a blue print for how we can push the institutions further into the area of traditional Diné governance. Let us examine some examples of how this is already occurring.

A. Contemporary Role of Traditional Diné Governance

The role of traditional governance today is diverse. One can find traditional governance practices in many of the contemporary governance institutions of the Diné. The main source of these traditional teachings is expressed in the fundamental laws of the Diné. A concerted effort emerged in the late 1990’s to incorporate the fundamental laws into various aspects of contemporary governance. At the urging of the speaker of the Navajo Nation Council, research was conducted on fundamental laws and the heads of all three branches of the Navajo government signed a “Statement of Fundamental Priorities” in which it was concluded that the key to securing the sovereignty of Navajo Nation was to integrate the fundamental laws into all branches of the Navajo Nation government, (Bobroff 2004-2005). This effort has been successful in establishing fundamental law as a form of governing guidelines that are accepted as legitimate not only domestically (within the Navajo Nation) but also internationally (beyond the borders of the Navajo Nation). While it is beyond the scope of this research to detail every facet of the
The Navajo Nation Council passed resolution CN-69-02 entitled Diné Bi Beehaz’áanii Bitsé Siléí or narrowly understandable in English as The Foundation of the Diné, Diné Law, and Diné Government. This resolution officially recognized four aspects of Diné fundamental laws including traditional law, customary law, natural law, and common law. The fundamental laws of the Diné are located in the appendix. CN-69-02 points out the basis for Diné life ways and how these aspects of their creation need to be included in their contemporary government:

It is the duty of the Nation’s leadership to preserve, protect and enhance the Diné Life Way and sovereignty of the people and their government; the Nation’s leaders have always lived by these fundamental laws, but the Navajo Nation Council has not acknowledged and recognized such fundamental laws in the Navajo Nation Code . . . (Council 2002)

Given the problem identified by the amendment, the next step was to officially recognize the fundamental laws of the Diné. Section 8 of the resolution calls for the branches of Diné government to, “learn, practice and educate the Diné on the values and principles of these laws,” (Council 2002). In section 9, the council acknowledges that much more work will need to be conducted and that merely recognizing the fundamental laws is not enough, (Council 2002). This acknowledgment is in part a realization that capturing the fundamental laws is a great academic undertaking, at the very least, and not a realistic goal for the council to undertake. Secondly, it may be that there is an implied acquiescence by the council to reluctantly admit how acknowledging the fundamental laws does not by itself incorporate the fundamental laws into contemporary Diné governance. Thus, it is important to revert back to the discussion on institutions and how they may work to constrain future leader’s policy implementations. We have previously explored how past catastrophic events failed to destroy traditional Diné
institutions. Rather, the institutions have a life of their own and merely adapted their choices to maintain their interests as their identity was modified. Let’s begin considering how such institutional constraints may work well to guide behavior of leaders based on the virtues of the fundamental laws.

B. Institutions of Traditional Diné Governance: Alch’ič’i’Silá

As has been previously argued, institutional constraints on leadership may be one way of ensuring that traditional Diné values remain at the forefront of policy making decisions. Admittedly, it is antithetical to Diné values to begin considering the imposition of rules of conduct involving cultural norms on a contemporary governance institution. Yet, it is not clear that an alternative to such a path exists. The notion that European notions of philosophical thought are out of synch with Diné values is not lost on this researcher. But, just as has been demonstrated in other sections, the ability to fine tune methodological approaches is the key to resolving conflicting ideas regarding governance and institutions today. Yet, as has been explored before, the most closely related explanation for the survival of traditional Diné institutions involves the theory that these institutions have a life of their own based on identity, choices, and interests all collaborating to exhibit governance behavior. Both of the above approaches arrive at the same end point. But our path to the end point is more important to understand so that future governance modifications can be consistent with the values of the Diné.

These caveats in mind can allow us to explore the notion of Alch’ič’i’Silá as it may be a good way of creating institutions in contemporary Diné governance which are capable of surviving the self interest of future leaders who may not be willing to live up to the ideals set forth for the selection and recognition of traditional Naat’áanii. In other words, if we can guide the behavior of future leaders along institutional boundaries set forth by Alch’ič’i’Silá, we are one
step closer to realizing the goal of showing how traditional Diné governance remains salient today and tomorrow.

It is not possible to properly translate Alch’į́’Sila into English. Rather, one must rely on some examples that exemplify the attributes of Alch’į́’Sila. Consider the Diné notion of male and female rain. Generally, rain is called “níltsá”. But, in Diné Bikeyah, there are at least two “types” of rain based on seasonal changes and the characteristics of the rain. From late July to early September, a monsoon condition impacts the weather pattern in Arizona. The elevation, proximity to warm water near the equator in the pacific ocean, and high and low pressure patterns allow for the relative humidity to rise drastically when compared to non-monsoon times. The result is a muggy feeling during this time. But these elements work together to create thunder, lightening, and heavy but brief rain downpours. The Diné call this kind of rain “níltsá bika’” or male rain. The characteristics of male rain are associated with the male namely violence, loudness, and suddenness. But there also exists a gentler, more subtle down pour that is associated with the winter months. This female rain, or “níltsá bi’ááó”, is said to characterize the demeanor of women since it is quiet, gentle, and subtle. The distinction is made not to rank the two types of rain. Rather, both rains are necessary to the survival of the Diné or at least this was truer before contact with non-Native people. You could not have life with only one or the other. In this way, the two rains complimented each other and made the Diné complete. Male and female rain are one example of Alch’į́’Sila. There are many other examples of Alch’į́’Sila and some are relevant to governance.

Lessons regarding the proper way to rely on Alch’į́’Sila as a guide for successful ways to lead your people have always been a part of Diné governance prior to contact. The level of impact Alch’į́’Sila has on contemporary leaders is debatable, diverse, and difficult to observe.
But the fact that some of the leaders still rely on Alch’į’Sila to guide their decisions today is testament to the fact that it could be a great institution for future leaders to utilize for the best interest of the Diné people. Recall that constructivists argue that institutions survive because they are shaped by the culture of the people who created them based on their identity, their interest, and their policy choices resulting in their particular group behavior, (Hopf 2002). A general depiction of how Alch’į’Sila may have been used to govern is provided in table 6.1. Yet, it may be that table 7.2 could be the better depiction. (The main reason to explore the relationship is to better understand how it may be applicable to Diné governance.)

<table>
<thead>
<tr>
<th>identity</th>
<th>interests</th>
<th>choices</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 7.2: Alternative configuration of subset relationship between identity, interests, and choices shaping nation behavior. The key difference here is that identity has complete impact over all the other factors in governance direction.
That the above set theory configuration is absent cultural norms is okay for the moment. The tables only represent a blank template with which we may be able to fill with various aspects of traditional Diné prescriptions for leadership, namely Ałch’į’Sila. Two configurations offered in the table allow for us to consider how identity of the contemporary Diné is not static. The idea of Ałch’į’Sila, in theory, may be a pre-contact philosophy free of European influence but such an assumption seems unlikely. Those wishing to assume the “contact free” approach may do so and rely on table 7.1 as their configuration of choice. This is because the assumption here is that identity itself is a pure Diné identity free of European influence. Hence, if the identity is pure Diné, then you can also assume that the impact of the pure identity will have direct impact on the interests, choices, and behaviors of the Diné government. There are many legitimate reasons to come at this research from such an approach. Yet, for the purposes of this research, recalling traditional Diné governance for contemporary benefit, it is safer to assume that identity itself has been impacted by European contact (This is the approach depicted in Table 6.1).

Table 6.1 is more appropriate for planning future policy with a mind toward locking in certain options for future leaders to decide among. Note that in table 6.1, the configurations allows for the assumption that identity alone should not impact interests, choices, and nation behavior. The reason for this assumption is because identities have shifted in Diné country. Various philosophies have impact on governance decision making today. Evidence of this can be vast and widespread. For example, there are, at least, three faiths in Diné country: Mormonism, Christianity, and traditional Diné religion. At the same time, many Diné people participate in Native American Church followings. Politically, the diversity of beliefs regarding Diné governance are wide spread and can be researched independent of these writings, (Wilkins 2002b; Wilkins 2003). Thus, the evidence for identity (political, cultural, and economic) cannot
be the only source for crafting interests, choices, and nation behavior. At the same time, Alch’į’Sila cannot realistically be considered a thought process free of European or otherwise non-Diné thought. Using table 6.1 allows us to take all of the above qualifications into account since, in the end, it will be the Diné, regardless of their political, cultural or economic orientation, that will be the final arbiters regarding the implementation of their own governance.

With the above in mind, we can move on to the actual notion of Alch’į’Sila. What follows is only my interpretation on how the idea works and will need to be fine tuned to its environment in the same way that a musical instrument is tuned to its accompanying environment of sound. It might be wise to consider Alch’į’Sila and its component parts collectively and in relation to their level of generality. Table 7.2 is a collection of the various components that are relevant to contemporary Diné governance. Within Sa’ah Naagháí Bik’eh Hózhóón is the process of Diné thinking articulated in chapter one. The components within Sa’ah Naagháí Bik’eh Hózhóón are as follows.

| Table 7.2 – Components of Traditional Diné Governance relevant to Contemporary Diné Issues |
|--------------------------------------------------|--------------------------------------------------|
| **Within Alch’į’Sila** | **Within Sa’ah Naagháí Bik’eh Hózhóón** |
| K’é | Nitsáhákees |
| Sa’ah Naagháí Bik’eh Hózhóón | Nahat’á |
| Hózhójí | lina |
| Hashkéjí | Siih Hasin |

These components of Alch’į’Sila must be understood in relation to one another in terms of their level of generality. Table 7.3 indicates that the higher up on the ladder of generality, the more abstract the ideas is and the more ideas are nested within it. These ideas will be rearticulated in set theory form in Table 7.4 with some accompanying cautionary qualifications. For now, it is enough to understand the relationship, in terms of level of generality, these ideas have with one another.
Table 7.3 – Components of Alch’į’Sila w/ Relative levels of Generality (Sartori 1970) – 1 equals most general and 0 equals most specific

<table>
<thead>
<tr>
<th>Level</th>
<th>Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Alch’į’Sila</td>
</tr>
<tr>
<td>0.5</td>
<td>K’é</td>
</tr>
<tr>
<td>0.0</td>
<td>Hózhójí doo Hashkéjí</td>
</tr>
<tr>
<td></td>
<td>Sa’ah Naaghái Bik’eh</td>
</tr>
<tr>
<td></td>
<td>Hózhóón</td>
</tr>
<tr>
<td></td>
<td>Nitsáhákees doo Nahat’á doo Iina doo Siiph Hasin</td>
</tr>
</tbody>
</table>
Note how Alch’į’Sila and K’é are the most general. K’é may be more general than Alch’į’Sila because it is within the foundations of K’é that one will find the some of the aspects of Alch’į’Sila. This might seem counterintuitive but, remember, we are trying to determine not only a relative idea of generality but specifically we need to focus on the relationships between various Diné protocols. K’é, in general, is a governing body that impacts many beings including bilá ashdla, or five fingered people. Since we are only concerned with the aspect of k’é related to the responsibilities of the five fingered people, we can understand k’é as only slightly broader than Alch’į’Sila. In other words, Alch’į’Sila does not encompass all that has been or ever will be in relation to k’é. The other factors are less complicated, relatively speaking, and seem to arrange themselves. Hózhójí doo Hashkéjí, or moving toward harmony and moving away from harmony.
respectively, are one example of Alch’į’SiLa. Thus, Hözhójí doo Hashkéjí are less abstract than Alch’į’SiLa. As for Sa’ah Naagh’áí Bik’eh Hözhóón, it may simultaneously be both more abstract and less abstract. Yet, for our purposes, we will use Sa’ah Naagh’áí Bik’eh Hözhóón as less abstract than Hözhójí doo Hashkéjí. The reason for this assumption is that, as will be detailed in the next table, it will be within the grey area between Hözhójí and Hashkéjí that we will discover the best use for the principles contained within Sa’ah Naagh’áí Bik’eh Hözhóón.

You will recall from chapter three on methodology the importance stressed in ensuring that ideas are properly oriented relative to their connected level of generality. It is easy to verbally express the ideas without much guidance regarding the true relationship that these ideas have with one another. Going further, the lessons from set theory, first introduced in chapter six, highlights the manner in which implicitly nested ideas seldom have their true relationships fully explored and articulated. Figuring out the relative generalities of the components within Alch’į’SiLa also serves to avoid confusion by providing a level of transparency not available in English descriptions of the relationships. This effort is in line with keeping the process “tunable” to its environment and, thus, invites community feedback on these iterations of the ideas. Let us look at table 7.4, a set theory representation of Alch’į’SiLa, keeping in mind the relational generalities first expressed in table 7.3.

In table 7.3, we begin to understand the level of generality among the various ideas discussed. In table 7.4, we discover that a subset relationship may be at work. Table 7.4 might be more confusing if it were not for the work first deduced and laid out in table 7.3. Here, K’é is a superset of Alch’į’SiLa meaning that we are assuming that all of the five finger peoples’ instructions regarding and contained within Alch’į’SiLa are first articulated, among many other things, within K’é. Alch’į’SiLa, then, is a superset of Hözhójí doo Hashkéjí meaning that the
teachings regarding the proper handling of Hózhójí doo Hashkéjí issues can be found within notions of Alch’i’Silá. Be aware, however, that Alch’i’Silá is not the only source for instructions. We are merely noting the isolated relation of these aspects of Diné philosophy to one another. Thus, we find Sa’ah Naagh’áí Bik’eh Hózhóón as an aspect of Diné philosophy that will be used to solve problems when the gray area between Hózhójí doo Hashkéjí are encountered. Within Sa’ah Naagh’áí Bik’eh Hózhóón can be located the notion of Diné Bitsáhákees or Diné thinking. With the issues of relative levels of abstraction given attention, not settled forever more, we can start to look at these components of Diné thinking in a fashion that allows them to have voice in a contemporary setting.

If the above assumptions hold, we can now begin to better understand the way in which these aspects of Diné thinking could potentially play a role in contemporary governance. Recall that we are attempting to utilized the notion that if identity, interests, and choices can have a substantial impact on nation behavior, then it makes sense that we uncover new ways to have traditional aspects of Diné thinking do as much as possible to re-engage with the nation’s direction. Submitted for your consideration is Table 7.5, a potential cyclical approach to decision making. The institutional structures are traditional aspects of Diné thinking. Since they already exist, it makes sense to use them in a contemporaneous context because this approach may alleviate problems of legitimacy. While it is difficult to have a starting place, since it is likely that issues can arise in almost anyplace within the model, let us start at Sa’ah Naagh’áí Bik’eh Hózhóón for no reason in particular. Herein lies the decision making regarding policies. Notice that Sa’ah Naagh’áí Bik’eh Hózhóón lies within the gray area between Hózhójí doo Hashkéjí. We will return to this gray area after elaborating on Sa’ah Naagh’áí Bik’eh Hózhóón.
Table 7.5 - Graph of Ałch'į' Sila
Take a look at the blow up of Sa’ah Naagh’ái Bik’eh Hózhóón in Table 7.6. Here you will find Diné thinking or nitsahákees. A detailed description of Diné thinking can be found in chapter one on Indigenous thinking. For our purposes it is only necessary to acknowledge the relationship between Sa’ah Naagh’ái Bik’eh Hózhóón and Diné thinking. This is really a cycle within a cycle. By thinking about a problem, one can begin to appreciate the situation. Then, you can plan your strategy to alleviate the problem. With the plan in mind, one will apply the proposed solution to the real world. You then observe the world and reflect on your solution. If the solution is successful, you can turn your attention to other issues. If the solution is less than satisfactory, modifications are necessary and the cycle begins again. Once again, this is only one very narrow aspect contained with a very broad idea called Sa’ah Naagh’ái Bik’eh Hózhóón. Yet, for your purposes, we can call it a very narrow construing of Sa’ah Naagh’ái Bik’eh Hózhóón in terms of problem solving. Now we can change our perspective by backing away from the problem solving process in order to better understand why the problems solving process is necessary in the first place.
Table 7.6 – Exploded view of Sa’ah Naagháí Bik’eh Hózhóón and Diné thinking
I envision our journey to pull away from the close up shot and allow the idea of Hózhójí doo Hashkéjí, or moving toward harmony and away from disharmony, to come into focus. In western thinking, something positive is typically thought of as a polar opposite of something negative. Yet, there does exist within western thought the ability to negate that which is positive in order to transform it into a negative. (Aristotelian logic???) In other words, if we identify all of the attributes which make up positive ideas, we can theoretically negate all of those attributes to create the polar opposite of that positive idea. And while Aristotelian logic is only mentioned for the sake of familiarity for the non-Indigenous researcher, there really is no reason to equate such logic with Diné thinking. Such thinking has a legitimacy all its own. There are a couple of ways of looking at Hózhójí doo Hashkéjí. It seems that we need to allow for context to have a great deal of leeway regarding how we define and discuss Hózhójí doo Hashkéjí. An extended account of Hózhójí doo Hashkéjí in relation to the Navajo Nation court system explains one application, (Nielsen and Zion 2005). In particular, Robert Yazzie discusses the way justices with the Navajo peacemaker court had the task of taking fundamental laws of the Diné and applying them to contemporary issues individuals faced. The idea was to move the individuals toward Hózhójí or beauty. As one moves toward Hózhójí, they move away from Hashkéjí or negativity. Yazzie recognizes the condition of Hashkéjí as a consequence of the individual falling out of balance. It is the job of a justice of the peacemaker court to act as a guide for those that are out of balance, (Nielsen and Zion 2005, pg. ??). These sentiments were echoed by former Navajo Supreme Court Justice Raymond Austin. He added the idea of Hóxzhó. Austin states that moving away from balance means that individuals will find themselves in a state of Hóxzhó, (Austin 2009). Still, it is too simplistic to state that one is “good” and one is “bad”.
One of the interesting attributes of set theory is the way in which grey areas are made clear as is indicated in table 7.5. The logic behind the grey area is that we can be clear on the way things go well and the way things go badly. These are the extreme positions that exist in the world. There is not a lot of debate regarding some aspects of Hózhóójí doo Hashkéjí. The areas with little debate, in theory, can be located in table 7.5 in the areas which are clearly separated and away from one another and within their respective populations. In other words, the entire set of plausible phenomena associated with Hózhóójí can be found within the circle labeled “Hózhóójí”. Some of the aspects of Hózhóójí that do not go near Hashkéjí are the areas which are not debated. Most medicine people (Hataa¡) agree on some portion of what is clearly Hózhóójí and other aspects which are clearly Hashkéjí. The more interesting events occur in the grey area between Hózhóójí doo Hashkéjí. One might say that this is the place where real life occurs. As Robert Yazzie puts it, “People are supposed to strive for Hózhó but a human will never attain Hózhó in this lifetime,” (Yazzie 2009). It is important here to revisit another aspect of Diné philosophy regarding the way in which the world should be encountered:

sistsijí : in front of me
shikéé déé : behind me
shiyaagi : what I walk on
shik’ígi : from above
shinaadéé : around me in a circle
shich’í'go : towards me
shizéé’déé : out of my mouth
hahoozhqoq doo

(Cody 2009) Locate Gorman cite

Above is the daily affirmation. It has been discussed at length in chapter 1 section b. Here it is important to recall that the affirmation is asking that the creator guide one’s daily encounters. The assumption is that during a day a person will necessarily encounter aspects of life which are clearly Hózhóójí doo Hashkéjí. The best way to encounter aspects of life which are Hashkéjí is to
have enough Hózhójí in you to balance out the Hashkéjí you encounter. The affirmation is asking for guidance involving encounters with what you find in front of you, what you find behind you, what you find as you walk the earth, what you encounter from above as you walk, what you encounter all around you, what encounters you, and what you say during your day. Although it may seem vague, the daily affirmation is based on the assumption that life is the grey area between Hózhójí doo Hashkéjí. It acknowledges that the way to deal with negativity is not to eliminate it but to balance it out with positivity. Life happens in the grey area and sometimes people will need guidance regarding the way to balance in the grey zone. And while this is true for individuals, it is also true for governance decision making that will effect communities and beyond.

Future approaches to governance on Diné Bikeyah may wish to fall back on the philosophy of the Diné involving the grey area between Hózhójí doo Hashkéjí. It should be intuitive how political problems are all about the interaction between positive and negative events. Hence, the manner in which “issues” (events which need to be dealt with for the sake of the community) are discussed and solutions offered may be served well by notions within Alch’í’ Sila. As such, one can place within the grey area of Hózhójí doo Hashkéjí the notion of Diné thinking. This is why within the grey area is Sa’ah Naagh’ái Bik’eh Hózhóón. We can look to Naat’áanii as individuals that are best able to handle community wide decisions that must take into account Hózhójí doo Hashkéjí. Recall the way a Naat’áanii was selected and acknowledged as a legitimate leader from the discussion in chapter four. Table 7.5 is one way of organizing how every day problems, the notion of life in the grey area of Hózhójí doo Hashkéjí, puts a challenge in the hands of Naat’áanii. With a decision made, the solution is implemented. The community is closely watching the result of the decision for negative and positive consequence. In other words,
the decision regarding issues is also going to be balanced within the grey area of Hózhójí doo Hashkéjí. This oversight is depicted by the presence of K’é or the set of connections that individuals and families have to one another. Assuming the issue is resolved, K’é may then focus on other aspects of their institutions which may include other issues. In political terms, this is akin to community feedback to elected officials. In Diné philosophy, it is the traditional way in which problems were brought to the Naat’áanii. But balance between Hózhójí doo Hashkéjí is a delicate process requiring constant maintenance. Thus, it is more likely that the issue will be reintroduced to the Naat’áanii. Do not confuse the issue being readdressed as a failure necessarily but merely a continued maintenance of the balance addressed earlier. As is mentioned in chapter six, the issues may change but the institutions of Alch’il’i’Silá remain difficult to remove. Today’s contemporary issues, however, may seem daunting but there should be confidence in the fact that Alch’il’i’Silá can even be discussed at all.

C. Incorporating Chapter House Governance

It is necessary that any future governance modifications must work to close the gap that has emerged between local governance and national governance. The details of how the gap emerged are contained in chapter two. Briefly, it was the corporations that got wind of natural resources on Diné Bikeyah. In an effort to have a rubber stamp committee sign off on land leases, the early versions of what is today the Diné national government was formed in hierarchic form. At least two aspects of the early government are key to understanding the disconnect today. First, the “rubberstamp” committee were hand picked by U.S. corporate interests in order to have them serve the interests of the resource corporations. Second, the idea of consolidated, national governance is not consistent with Diné norms prior to the 1920’s. The details of these events can be located in many works but specifically in Wilkins, (1987; 2002a; 2003). This
notion of closing the gap between local and national governance implies an assumption: governance should be bottom up and all inclusive while guided by the norms of Diné cultural norms. This might mean that only certain learned people are capable of leading, in the same way that Naat’áanii might be selected and recognized. So what institutional guides might lead to a more integration of local governance (chapter houses) into national governance institutions?

While it is beyond the scope of this research to outline every way in which the gap between local and national governance can be closed, we can begin to look at the reasons for European institutions surviving in much the same way that Diné institutions still survive. Refer back to Table 6.1 in order to see the dynamic picture of contemporary Diné governance. Diné identity, in general and in terms of governance, has been impacted by interaction with colonial actors from day one. The details of the identity impact can be found in chapter 2 and chapter 6 where detailed discussion of Diné adoption of realist and liberal norms is considered. As is shown in Table 6.1, this adoption should have impacted identity which in turn impacted choices the various Naat’áanii made. Simultaneously, interests were shaped because new issues needed to be dealt with especially in terms of trade and warfare. These factors all led to changes in behavior as a national unit, or lack thereof, as is detailed in treaty making in chapter 2. After Hwéeldi, the same can be said of the agency formation, which (again), is detailed in chapter 2. National hierarchic consolidation continued to be forced on all Indigenous tribes via federal policies of reorganization, termination, and relocation, (Getches, Wilkinson and Williams 2005, pg. 2???). These policies did not accomplish their ultimate goal of destroying tribalism. As has been argued in chapter one on the philosophy of Indigenous knowledge, this is explained as a condition expressed in peoplehood, (Holm, Pearson and Chavis 2003) and proven in chapter 6. Briefly, only those aspects of peoplehood visible to federal policies were most impacted by those
assimilation policies explaining why these aspects of Diné philosophy survive. The discussion of institutions earlier explains how such aspects of Diné philosophy survive today. And while all of the factors above have also impacted local governance on Diné Bikeyah, the level of impact is less than it is at the national level.

The resultant situation is not necessarily good or bad. In fact, one might call these converging interests (European and Diné) another example handled best using Alch’į’Sila. Recall, however, how institutions are difficult to erase be they European or Diné. Thus, incorporating chapter houses, while not a return to an unmodified traditional form of Diné governance, into national governance may be an exercise that lends itself to table 7.4 on Alch’į’Sila. The process will necessarily require 110 separate attempts to reconcile the disconnect between local and national governance (based on the number chapter houses in existence). Some of the main issues involved including creating more efficacy at the local level with what goes on at the national level. The voting record for Diné people may be better expressed as taking a portion of the K’é aspect of Alch’į’Sila in much the same way a person might cut a piece of a pie out of a whole. Since it is unthinkable to cut up K’é, it should be unthinkable to allow such a pie to be accepted as nationally determining Diné leadership. Still, the opposition at the national level to incorporating more of the local governance will be an institutional opposition. The key to gaining more integration and eliminating hierarchy will be in at least two ways: First, there is a legitimacy issue that Alch’į’Sila need not demonstrate. It has always worked out well and has stood the test of time. European style governance in Diné country lacks this legitimacy nationally. Secondly, understanding the actual root of opposition may give those with an interest in integrating local and national governance an advantage when it comes to achieving their goals. Attacking the legitimacy of European institutions in Diné
national governance is the second key to integrating local and national governance using the process of Alch’i’Sila as a mechanism for determining specific actions to undermine specific European institutions of governance. Thus, we search for our aspirations in the form of local leaders based on concepts of traditional Diné leadership: the Naat’áanii.

D. Concept of Domestic Naat’áanii

For this section is will be necessary to return to the original research design first articulated at length in chapter three. This portion of the research is partially experimental but also attempts to set itself apart from other research. A typical, and well reasoned criticism, response to research dealing with Indigenous peoples involves its relevancy to the people it focuses on a subject. In other words, how does the research have any benefit for the Indigenous people it has focused on? The criticism for academic research not serving the Indigenous communities that often were the focus of such academics was famously articulated by Vine Deloria, (1969). Thirty years have passed and the academic record still remains unclear regarding the reaction to Deloria’s call for academic responsibility. And while institutional review boards have certainly made an impact, it is up to the researcher to ultimately make the effort to have their research serve the people they focus on and not merely focus on them for the sake of curiosity. Hence, this section is offered as an attempt to move away from pure theory and into the realm of policy application. What impact can traditional Diné governance have on contemporary Diné issues?

There are many ways which can be employed to provide evidence of the legitimacy of governance institutions. Here I wish to directly point to the wants of the elders within Diné Bikeyah. For example, many Diné people are fearful of the drift away from traditional Diné governance in contemporary times and blame the shift away for the emergence of the hanta virus
in the early 1990’s, (Wilkins 2002a, pg. ???). In western terms, returning to traditional Diné values is tantamount to ensuring governmental legitimacy via making contemporary Diné governance culturally relevant. Bringing the contemporary in line with traditional teachings can be accomplished using concept building. Recall the music analogy offered before: concepts here are offered as tunable instruments that will require fine tuning in order to be in harmony with their respective environment. Hence, the concept will need to be modified for it to fit differing applications or the results will be less than satisfactory.

Consider a three-level view of a domestic Naat’áanii (see Table 4.3) Based on the traditional concept of Peace Naat’áanii, a domestic Naat’áanii is a replication of the traditional Naat’áanii. All of the secondary level conditions which make up a traditional Naat’áanii are present in the contemporary domestic Naat’áanii. The only difference between a traditional Naat’áanii and a domestic Naat’áanii is the list of responsibilities which go along with a domestic Naat’áanii. A list of responsibilities must first be articulated and added to the concept of domestic Naat’áanii as an additional necessary condition. Alternatively, the list of responsibilities may be expressed under the stand alone necessary condition entitled, “Contribute to the day to day needs of Diné Life and Culture”. The main idea here is to revive the specialization quality of traditional Diné governance by respecting the experience and knowledge of a Naat’áanii (Table 4.3) or peace Naat’áanii (Table 4.5). Specialists involved with the upkeep of contemporary Diné governance must be identified and placed into the position of a domestic Naat’áanii. Their main goal will be to ensure that the internal matters of the Diné are handled appropriately and absent special interest. Here is a potential list of responsibilities based, in part, on the partial list of responsibilities articulated in relation to peace Naat’áanii:

- Education
- Health care
- Policing
- Housing
- Roadways
- Environmental Preservation and Maintenance
- Energy
- Fiscal Budget

It is important to note that the above will have direct ties to the community. Each of the above categories of responsibilities will have direct impact on local populations. Populations will have a direct link to their domestic Naat’áanii. Simultaneously, the domestic Naat’áanii will have a direct link to the national branches of Diné governance. Ideally, the issues will be brought to the domestic Naat’áanii via the pattern articulated in Table 7.5 concerning Ałch’į́ Síla. The twist is that the issues themselves will be contemporary issues.

E. Concept of International Naat’áanii

Yet to focus only on domestic issues within Diné Bikeyah would be to make the same mistakes that past colonial style governments have made. The international Naat’áanii is an entirely new concept which will need serious revision in order to have any impact on improving contemporary Diné governance. As such, the international Naat’áanii does not come with a three-level view at this time. Further discussion is needed between the current author, researchers with Diné Policy Institute, and members of the Diné Policy Institute Advisory Circle. It might be prudent to equate the same traits found in a domestic Naat’áanii with traits needed to create an international Naat’áanii. Future research can include developing the responsibilities needed to carry out the function of an international Naat’áanii. These responsibilities must be clearly articulated, with levels of generality consistent across responsibilities, and be clearly distinguished from the responsibilities of the domestic Naat’áanii. The tradition of distinguishing between specialists in time of war and in time of peace is the main goal articulated here. An international Naat’áanii concept could promote the use of specialists with a vested interest in
promoting the needs of Diné citizens at an international level. A brief, non-comprehensive, list of possible responsibilities might include interacting with foreign countries such as the state of New Mexico, the state of Arizona, and the United States government. Free trade agreements may be advisable with other countries in the Americas run with the ideals of Indigenous values. Nation states which come to mind are Nunavut, and Bolivia because these states are currently run by leadership beholden to their Indigenous populations. Further research is necessary to discover what can be traded and how beholden leadership really are to their respective Indigenous citizens. However the two Naat’áanii are ultimately conceptualized, there must be a clear maneuver to incorporate the current Dine governance structure with the structures proposed here.

In pre-contact times, the Naachid was used to deal with issues that affected a larger regional setting than an individual Naat’áanii could be expected to grapple with alone. As such, the mechanism for dealing with regional issues in the pre-contact times can be revived to deal with global issues today. Yet, some medicine people (hataalii) are reluctant revisit an institution of Diné governance associated with warfare, raiding, and other acts which many attribute causal impact on the outcome of Hwéeldi and other acts of genocide against the Diné, (Benally 2009). Hence, the topic of assembling several regional Naat’áanii together to discuss issues of an international nature must be addressed carefully. Still, a contemporary legislature currently exists and functions at the behest of what some might call the elite of Navajo Nation. With these caveats in mind, let’s explore the interesting characteristics of chapter house organization as it exists today.

The usurpation of local governing structures to a national Diné level did more to represent the interest of the U.S. than it did to see that Diné citizens had their own interests met. The trend toward national consolidation was abruptly forced onto the Diné people around the
time that natural resources were recognized as profitably extractable by corporate interests. Only recently has the trend slightly reversed, (Begay 2008a). Consider how 11 international Naat’áanii from various regions and 11 domestic Naat’áanii from various regions could come together. The regions can be the five agencies which currently exist in Diné country. The five agencies could represent regions and those regions could be further broken into local chapters. In the absence of in depth site/location research, consider the following breakdown as a preliminary vertical integration strategy. The five agencies could serve as the medium between local and national governance. If all five agencies split up the local chapters equally, than each agency region could have 22 local chapters representing various regions within the geographic area represented by the agency. Consider how 11 local chapters could be domestic Naat’áanii, and 11 chapters could be international Naat’áanii. Collections of regional Naat’áanii could meet bi-annually bringing local and regional concerns into a national meeting. One note of optimism is the way in which the chapters seem to have nicely fit into a scheme of domestic and international Naat’áanii. I’d like to believe that this breakdown is more than a mere mathematical coincidence.