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COMMENTARY

Iroquois Influence: A Response to Bruce E. Johansen’s “Notes from the ‘Culture Wars’”

ROBERT L. BERNER

Surely we are not stating anything either easy or difficult to prove when we suggest that the first European settlers along the Eastern seaboard must have been powerfully affected by the example of Indian peoples and that in these Europeans and certainly in their immediate descendants the apparently free life they saw must have contributed to the development of the individualism that made American democracy inevitable. But the question of just how Indian societies in general and the Iroquois in particular affected the development of American political institutions ought to be a matter of historical evidence. If there are documents that will settle the matter it ought to be possible to find them.

Unfortunately, in his “Notes from the ‘Culture Wars:’ More Annotations on the Debate Regarding the Iroquois and the Origins of Democracy,” published in the *American Indian Culture and Research Journal*, volume 23, number 1, Professor Bruce Johansen has made the mistake that is usual in discussions of Iroquois influence by confusing two propositions: (1) that the Iroquois, generally speaking, contributed to the development of American democracy, and (2) that the political structure of the Iroquois League and, by implication, the structure and parliamentary procedures of its council specifically served as a model for the structure of government defined by the Constitution of the

Robert L. Berner, Rosebush Professor of English before his retirement from the University of Wisconsin, Oshkosh, first dealt with the question of Iroquois influence on the Constitution in *Defining American Indian Literature* (1999). He is also the author of *The Rule of Four: Essays on the Principle of Quaternity* (1996).

United States. Anyone uncommitted to dogma must see that though the former claim is too general for refutation the latter is much too specific to be asserted without the citation of particular documents.

Throughout his commentary Johansen certainly shows his commitment to the argument for general democratic influence—"Iroquois precedents for democracy," "Iroquois influence in the origins of democracy," "The idea that the Iroquois helped shape democracy," "the whole idea of Iroquois influence on democracy," "Iroquois contributions to democracy," "the Iroquois role in the origins of democracy," and so on.¹ But apparently the reiteration of this theme is meant to pound us into submission to the idea that because the Iroquois "helped shape democracy," the example of the Iroquois League had to have affected the writing of the Constitution. Consider, for example, Johansen's muddling of the two arguments in his criticism of Robert H. Bork's statement that "In New York State it is official educational doctrine that the United States Constitution was heavily influenced by the political arrangements of the Iroquois Confederacy."² This shows, writes Johansen, that Bork's mind was closed on the "subject as [to] how the Iroquois Confederacy helped shape democracy."³ You don't have to be a conservative or even an enemy of the cause of multiculturalism to see that the subject of Bork's statement is not "how the Iroquois Confederacy helped shape democracy," but specifically whether or not Iroquois "political arrangements" influenced those defined by the Constitution.

To those who think this a mere quibble, I suggest that the idea of democracy is in the assumption that the people have a right to be governed by those they elect to represent them, while Bork's "political arrangements" have to do with how representatives, once elected, do their work within a governmental structure. The difference is between a statement of an ideal and a practical definition of political power. Obviously the two things are related, but they are not the same. At one extreme we might conclude that a lynch mob is democratic, "the people" assuming political power directly, though unchecked by law or the will of any government. At another extreme we may see that the Soviet Union in the Stalin era was governed by representatives of various republics who attended the congresses of the country's communist party to hear Stalin tell them what to do. In fact, Stalin and his stooges actually called this process democratic, but there was nothing democratic about it because those representatives were not chosen by any electorate. They were appointed by the party—and thus by Stalin—on the basis of their adherence to prevailing dogma.

The distinction I am making is crucial. When we talk about democracy, we are talking about the rights and role of the electorate. What Bork was talking about was what concerned the Founding Fathers in the summer of 1787—political power, how it is assigned to each branch of government, and how those branches relate to each other in what they can and cannot do. The truth of the matter is that the Constitution, as it was presented to the states for ratification, said absolutely nothing about the franchise. Of course, a measure of democracy was assumed: "[The] House of Representatives shall be composed of members chosen every second year by the People of the several States,"

with “the People” defined only in the statement that in choosing these representatives “the Electors in each State shall have the Qualifications requisite for Electors of the most numerous branch of the State Legislature.”⁴ In other words, each state would define the franchise for itself, and anyone qualified to vote for a state legislature’s lower house was qualified to vote for the state’s representatives in Congress. On the other hand, senators were to be chosen by the state legislatures and the president and vice president by an electoral college composed of members from each state who were appointed “in such Manner as the Legislature thereof may direct.”⁵ In other words, the Constitution said nothing in 1787 about who could or could not vote. In fact it said nothing about it until it had been amended after the Civil War to eliminate race from definitions of the franchise and in this century to eliminate gender and the poll tax from those definitions, to permit residents of the District of Columbia to vote in presidential elections, and to award the vote to eighteen-year-olds.

Clearly a definition of a franchise is a definition of its limits. Even the broad present-day American electorate does not include everyone—children, for example. What makes an electorate democratic is not in everybody being included but in every voter, however the right to vote is defined, being equal to every other voter. For example, when the republic was inaugurated in 1789 the prevailing pattern in the thirteen states was a limitation of the franchise to adult males who could meet a property qualification. Every adult male who could meet that qualification was equal to every other adult male who could meet it. Or, for another example, the delegates to the council of the Iroquois League were chosen by their clans, the governments of which were matriarchal. Does anyone really know how that process worked in the summer of 1787? Was it an electorate of females? Or only of mothers? Or of a few mothers whose judgment was accepted by the others? Whatever it was, that electorate apparently did not include male members of the clan, but the women who chose league councilors, whoever those women were and assuming that their votes were equal, probably should be considered a democratic electorate.

Actually the Constitutional Convention did not deal with questions of democracy for a simply stated reason: by 1787 Americans already had democracy. What the delegates in Philadelphia believed they did not have was a national government that was both efficient and trustworthy. For that reason their deliberations were designed to discover how to structure the branches of government to balance their powers in such a way as to insure both order and justice.

Johansen condemns William A. Starna and George R. Hamell for “not address[ing] any of the ideas that were communicated between the Iroquois and colonial Americans” and says that they ought to have “look[ed] for evidence that is available to anyone in the archives of Pennsylvania, Massachusetts, and Virginia.”⁶ He does not state whether he himself has examined those archives since the 1982 publication of his *Forgotten Founders*, in which he outlines a sequence of events by which the Iroquois League supposedly became a model for the Constitution.

In 1744 the Onandaga chief Canassatego told a gathering of colonists,

one of them Benjamin Franklin, that if they “observ[ed] the same methods our wise forefathers have taken you will acquire much strength and power.”⁷ (What those “methods” were the chief did not say, but the context suggests that he was not referring to any particular constitutional structure but to political union in general.) In 1747, after reading the reissued edition of Cadwallader Colden’s *History of the Five Indian Nations*, Franklin “began his own fervent campaign for a federal union of the British colonies,”⁸ and in 1751 he wrote in a letter, “It would be a strange thing if Six Nations of Ignorant Savages should be capable of forming ... a Union ... and yet a like union should be impracticable for ten or a dozen English colonies.”⁹ In 1754 the Albany Congress approved Franklin’s “Plan of Union” after a debate in which he assured the delegates that like the Iroquois League’s council the Union’s Grand Council could not interfere in the internal affairs of any colony because any one colony could veto the proposals of all the rest.

Johansen adds that Franklin, from these beginnings until the 1787 Constitutional Convention, favored a unicameral legislature as provided for in the Articles of Confederation, which he describes as Franklin’s “repackage[d] Albany plan.”¹⁰

What does all this add up to? In the first place, very little of it has to do with anything but the desire to create a confederacy of equal colonies seeking some way to act as a unified government. Canassatego’s “same methods,” for example, suggest nothing in the Constitution but the general idea expressed in its preamble of “a more perfect union.” Colden’s *History* does provide an account, in part II, chapter 3, of a meeting of the Iroquois Council in 1690 to form a response to a French peace proposal. That meeting was attended by English agents, but the account is brief and really indicates nothing as to just how the council reached their agreement. In fact, the process is only suggested in two sentences: “After this they had Consultations for some Time together, and then gave the following Answer by their Speaker” and “After this they agreed to the following Answer to be sent to the Governor of Canada.”¹¹

In the second place, anything in the Albany Plan of Union that resembled the workings of the Iroquois League was precisely what the authors of the Constitution rejected—a unicameral legislature of colonial delegations that had to agree unanimously to every proposal. In fact, it was the perceived inadequacies of the Articles of Confederation, Franklin’s “repackage[d] Albany plan,” that led to the 1787 convention in the first place.

It is not for this kind of thing that those who search the documents should be looking, but for evidence that will settle once and for all just how, if they were, the authors of the Constitution were influenced by the organization of the Iroquois League’s council and the procedures by which it made policy. The right kind of search can be defined simply. Because the Constitution defines the way the branches of government relate to each other, the question of whether the Iroquois League influenced it has to do with (1) how the elements of the council were structured in making decisions, and (2) whether the founders knew about that structure. In other words, did any member of the Constitutional Convention observe the League Council in session before the summer of 1787? Did any Iroquois meet one or more Founders before the

summer of 1787 and, if so, what did he or she say specifically about the way the league council functioned? If no such meetings occurred, what description of those functions existed in writing, either published or circulated in manuscript, before the summer of 1787?

This matter is crucial. It has been made crucial by those who seek to prove their case by a mere assertion of will, by saying in effect that because it is pleasant to think that something happened, and because it could have happened, it must have happened. On this matter distinguished scholars can be as wistful as anyone else. Consider, for example, the very distinguished authority in the field of Native American studies, Wilbur R. Jacobs, who actually wrote in a book review that, "the Haudenosaunee and other Indians ... received special mention in the Constitution itself."¹²

The gravity of the question, therefore, compels me to suggest in all humility that those who pursue this line of inquiry take account of a couple of plain truths.

For one thing, we ought to admit that if the political structure of the Iroquois League played any part in the deliberations of the Constitutional Convention it is a curious fact that James Madison's notes, which constitute our primary record of what actually was said during the Convention, say exactly nothing about the Iroquois League. It is equally strange that the league is not mentioned even once in any of the eighty-five *Federalist* papers.

For another thing, the way the Iroquois council arranged itself at the council fire and their parliamentary procedure for introducing and discussing proposals and making decisions on those proposals bear no resemblance, at least none that is not too vague to matter, to the way the Constitution separated the powers of the national government into legislative, executive, and judicial functions. Consider for example the fact that in its decisions, which were made by the five nations, each voting as a bloc, the Council was not really making laws. Iroquois government was local—in the clans. What the council did decide was policy—foreign policy—to make war or peace, to agree to treaties, to pursue one or another goal in diplomacy, and so on. Furthermore, a particularly remarkable element of the council's parliamentary procedures was that the council's decisions had to be unanimous. All five delegations had to agree.

To put it another way, if the Founding Fathers had created an Iroquois system for the United States, the Constitution would specify that the states, even if there eventually were fifty of them, would have the right to make their own laws without regard for the laws of any other state and also the right to send delegations to a one-house legislature, where they would vote as delegations to present a unanimous front on matters of foreign policy. Furthermore, no policy would be approved until every state delegation agreed to it.

I for one am unable to perceive any significant similarity between the two systems. But here as in all matters of scholarly disagreement the burden of proof is not on the skeptics but on those who truly believe the hypothesis they propose.

Meanwhile I must question whether Johansen's "Annotations" really can do anything but prolong the debate. It is unfortunate, for example, that though the real question ought to be what was written about the League's government

before 1787, he has chosen to cite as “evidence” claims made after that date by various writers who neither cite their documentary evidence nor admit that they have none. In the absence of such documentation, anyone who cares about the rules of evidence can only conclude that even the claims of so eminent a constitutional historian as Gloria Steinem, one he quotes, can prove nothing except that many people believe only what they want to believe.

I do not wish to be entirely facetious. The truth is that Johansen’s “Annotations” are not his first contribution of this kind. Four years ago, in “Debating the Origins of Democracy: Overview of an Annotated Bibliography,” he treated us to the remarks not only of President John F. Kennedy’s ghost-writer, but also to those of a contributor to a magazine for teenage girls, a character in a film, participants in the 1994 version of Woodstock, and a rock singer whose running off at the mouth included the claim that the Iroquois had “the only true democracy ever experienced throughout the Americas.”¹³ Clearly the subject of Iroquois influence on the Constitution has become an element in our popular culture with mythic implications. Naturally we ought not to expect many people to plow their way through books to develop an opinion on this subject when it is so much easier to parrot pleasant generalizations. But surely we do have the right to expect a more vigorous discipline in our professors.

NOTES

1. Bruce E. Johansen, “Notes from the ‘Culture Wars’: More Annotations on the Debate Regarding the Iroquois and the Origins of Democracy,” *American Indian Culture and Research Journal* 23:1 (1999): 165–166, 169–171.
2. Quoted in Johansen, “Annotations,” 167.
3. Johansen, “Annotations,” 167.
4. US Constitution, art. 1, sec. 3.
5. *Ibid.*, art. 1, sec. 3 and art. 2, sec. 1.
6. Johansen, “Annotations,” 168–169.
7. Quoted in Bruce E. Johansen, *Forgotten Founders: Benjamin Franklin, the Iroquois, and the Rationale for the American Revolution* (Ipswich, MA: Gambit Press, 1982), 61–62.
8. *Ibid.*, 63.
9. Quoted in Johansen, *Forgotten Founders*, 66.
10. Johansen, *Forgotten Founders*, 75.
11. Cadwallader Colden, *History of the Five Indian Nations, Depending on the Province of New York in America* (Ithaca, NY: Cornell University Press, 1964), 98–99.
12. Wilbur R. Jacobs, review of *Indian Roots of Democracy*, by Jose Barreiro, *American Indian Culture and Research Journal* 17:2 (1993): 213.
13. Bruce E. Johansen, “Debating the Origins of Democracy: Overview of an Annotated Bibliography,” *American Indian Culture and Research Journal* 20:2 (1996): 157. 164–165.