

# Competing or Relational Autonomies? Globalization, Property and Friction over Land Rights

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Recently, Indigenous people on a worldwide scale have made claims for rights and land. Important legal decisions in Canada, the United States, Australia, and other countries have recognized Indigenous rights to autonomy and self-determination and are often seen to be part of the global development of frameworks of "Indigenous rights." Claiming land rights is part of a larger process of Indigenous people asserting that they should be recognized as autonomous despite all of the destructive processes of colonialism, during which land, autonomy, and self-determination were destroyed or taken. Part of the reason Aboriginal people have been successful is because they have been part of a larger wave in which the increasing importance of ideas about human rights have become institutionalized and globalized in organizations such as the United Nations. Global governance documents, such as the Draft Declaration on the Rights of Indigenous Peoples, explicitly recognize Indigenous peoples' inherent right to autonomy, as well as the necessity for control over their own land to establish and maintain such autonomy. However, that autonomy is seen by some to conflict with patterns of land ownership and rights established since colonial times.

As an anthropologist, I want to understand how people experience, embrace, or challenge the broader structural processes of globalization. I do so by looking at how people act in the world and relate to each other during complicated encounters that emerge during such processes of change. I take the example of conflict over Aboriginal land and property rights as a focal point, or window, to understand how people are thinking about property and autonomy. Since 1999, I have been doing ethnographic fieldwork on this issue. This means spending time in communities where conflict over land rights is occurring and interviewing people from all sides of the conflicts. One community studied is in Ontario, Canada and the other in Upper New York State in the United States.

Autonomy usually means some form of self-regulation, self-governance, or self-direction. But autonomy can mean very different things to different people. To me, practical encounters, such as the struggle over land rights, reveal complex and messy processes of conflict and misunderstanding. In these situations people may be using the same key terms and ideas such as autonomy or rights in very different ways. For example, my research shows that some members of local non-Aboriginal communities experience claims for Aboriginal autonomy as a threat to their autonomy and equal rights. They see autonomy for Indigenous people as being in conflict with their taken-for-granted and powerful feelings about the independence of nations and the rights of citizens. They see Indigenous land rights as an invasion of their lands and a threat to their inherent right to control their own property and themselves. Many of the people see themselves as resisting a new global world order in which governments and global governance organizations have betrayed older, yet essential and "common sense," ideals and social arrangements and now promote divisive issues such as multiculturalism and Aboriginal rights. How do we understand such phenomena in which it appears that "local people" are resisting the globalization of social justice?

My goal in the project was to understand what happens when Aboriginal autonomy and rights are

seen to conflict with the autonomy and property rights of other members of nation-states. How do such conflicts about property reflect or challenge older ideas about property and rights as well as newer global human rights ideas? How do people actually practice property relationships in the context of globalization and conflict over land and rights? How do ideas about property legitimate and entitle some individuals and communities access to property, while simultaneously denying or limiting the access of others? These are important questions because globalization processes often disrupt and change existing patterns of who controls property. They may change relationships between people, land, and power — a potentially volatile mix.

I find that such changes create tensions between people that can result in divisions and even violence within communities. Examples here are the threats and violence directed at the Caldwell First Nation in Ontario, or the deep divisions within local Aboriginal and non-Aboriginal communities around the issues of land rights. Yet, these conflicts may also indicate the potential for positive changes such as a more equal distribution of resources.

My research shows that people who are against land rights tend to use the idea of property in a way that draws on older colonial ideas. They see property as a universal concept that defines certain kinds of relationships between people. Indeed, property is a powerful and persuasive concept that has influenced thinking about economics, civil society, government, gender relations, morality, individuality, autonomy, personhood, work, entitlement, and conquest. Its meanings appear as if they were simply common sense in Western contexts. Ideas about property were influential in earlier global processes of colonization, and were used to justify the taking and redefinition of Indigenous peoples' territories. Philosophers in the seventeenth and eighteenth centuries such as John Locke, justified the European conquest of the "New World" by arguing that Europeans were naturally entitled to the land because only they, and not the original inhabitants, would develop private property and therefore improve the land. Therefore such ideas about property were also about how people were seen as inferior and superior. Their ranking was based in part on how they relate to property, specifically whether they improve it and make it private. Today such frameworks are often seen as colonialist, backward, and contrary to international law and global human rights ideals.

Yet, the underlying assumptions of those colonial property ideologies have a continuing and vibrant life today amongst people who oppose land rights. I discovered that such persistent, embedded, and powerful ideas contribute strongly to the bitter conflicts about property I studied. Ideas about property and people are the keystone of the deep-seated resistance to what anti-land rights activists perceive as the new global property regime. This new situation confronts them with unexpected and unwelcome relations of power in which they feel threatened and endangered. It is their ideas about property and how it relates to people's status as people which allows them to discount Aboriginal people's world views and to refuse to recognize their views of history and, consequently, their claims for land. It allows them to dehumanize Aboriginal people and see the world in such a way that Aboriginal and non-Aboriginal autonomies are seen as dichotomous oppositions. They are constructed as *competing autonomies*.

Does it have to be this way? Are there other ways to imagine human-territorial relationships that do not reproduce problematic assumptions about different people's characteristics, property, and autonomy? Is there another way to imagine property relations and autonomy that does not divide and dehumanize people? Scholars and activists in North America and around the world have been arguing for years that we need different ways of thinking about relationships between Aboriginal and non-Aboriginal peoples — and that a first step is to recognize and value Aboriginal world views, and not subsume Aboriginal life ways into Western frameworks of superiority. I found in my research that

Aboriginal groups and their non-Aboriginal supporters are indeed finding ways to assert and establish autonomy, modes that may offer alternatives to oppositional and dichotomous stances. They are developing, I suggest, forms of *relational autonomy* that avoid the dichotomies and limits of Western property ideologies.

For example, in March 2005, the Onondaga Nation near Syracuse, New York asserted rights to a wide stretch of New York State land that they had lost over 200 years ago. The difference between this and most other land claims is that the Onondaga did not frame it as a land *claim*, but as a "land rights action" in which they explicitly sought to work with other people in the community to improve human and environmental relations and build a more peaceful and collaborative future. The Complaint for Declaratory Judgment begins with an inclusive and relational approach: "The Onondaga people wish to bring about a healing between themselves and all others who live in this region that has been the homeland of the Onondaga nation since the dawn of time." Instead of opposing local residents and competing for land within a Western property paradigm they are reaching out and making links. Yet they do not relinquish autonomy or historical justice: "We want justice. New York State took our land illegally and needs to acknowledge this injustice and our rights to the land. But we will not displace any of our neighbors — the Onondaga know all too well the pain of being forced to leave our homes and do not wish that on anyone."

From the outset of the action, the Onondaga also rejected Western legal concepts of property in which people own land as an object: "The Nation and its people have a unique spiritual, cultural, and historic relationship with the land, which is embodied in Gayanashagowa, the Great Law of Peace. This relationship goes far beyond federal and state legal concepts of ownership, possession, or other legal rights. The people are one with the land and consider themselves stewards of it."

Here, a broader collaborative project emerges from the relationship to the land, and the Onondaga have an important role: "It is the duty of the Nation's leaders to work for a healing of this land, to protect it, and to pass it on to future generations. The Onondaga Nation brings this action on behalf of its people in the hope that it may hasten the process of reconciliation and bring lasting justice, peace, and respect among all who inhabit this area."

Further, the Onondaga also found a way to align themselves with problems other local people have such as unemployment and pollution. A major problem around Syracuse is the pollution that large factories have left behind. The polluted remains of industrial development are concentrated on Lake Onondaga, one of the most polluted lakes in the world, and the most sacred site of the Onondaga. Perhaps one of their most unusual moves is that they include large corporations in the action, naming them for environmental damage. As part of their stewardship they have written environmental reports and are now collaborating with community and university sponsors to present a year-long, ambitious, and widely advertised educational series entitled "Onondaga Land Rights and Our Common Future."

In sum, the Onondaga and their supporters refuse notions of competing autonomy and individual rights, and propose complex ideas of relational responsibility for the land and each other. Whether this approach to resolving Aboriginal and non-Aboriginal relations concerning land will be fruitful is not yet known. However, in comparison to local reaction to other land claims in upper New York State, the response from local communities has been positive. There has been virtually no significant resistance from people who oppose land rights. Perhaps it is a result of the Onondaga framing their autonomy, their territory, and their relationships with their neighbours in a non-oppositional manner. Their autonomy is relational, defined in a manner that goes beyond embedded ideas about territory and human relationships that emerge within Western property regimes.

Overall, the research allows us to see both the limits and the possibilities of older Western property ideologies that can spread with privatization and globalization and that many people take for granted and assume are universal. It shows that such dichotomous individualistic views of autonomy, rights, and property can exacerbate deep divisions between people. The idea that different peoples' autonomies are necessarily competing and opposed rather than interconnected, interdependent, and shared is a potentially dangerous legacy of those older and yet still powerful Western ideas about property. The Onondaga and their supporters are generating useful models by finding creative, less oppositional and more inclusive ways to practice their ideas about people, land, the past, and future. To do so, they transform or replace aspects of Western property ideas and work on relational rather than competing ideas of autonomy. In the process, they contribute to deeper understandings of the complexity of relationships between autonomy, property, people, history, and global processes.

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