

THE INFLUENCE OF THE GREAT LAW

By Ellen Stedtefeld

"What white society owes to Indian society, as much as to any other source, is the mere fact of its existence (p.19 Johansen)." This quote refers to the most important transaction during the European and Native American cultural exchange in the PostColombian Era: the European acquisition of Native American governmental philosophy. Although the American Constitution bears a remarkable resemblance to the Great Law of Peace created by the Iroquois Confederacy, this influential democratic Law is seldom mentioned. The significant parallels between the two documents suggest that the Great Law of Peace is not only influential but also a prototype for the Constitution.

A Huron named Deganwidah created the Great Law of Peace, referred to as either the Great Law, Great Peace or as Kaianerekowa in their native tongue, out of his urgent desire for warfare to cease among neighboring tribes. Due to his debilitating stutter and his Huron descent he joined Hiawatha, an Iroquois, who would translate his message to the Iroquois nation. Hiawatha metaphorically called this confederacy a great white pine whose roots would spread out in all directions encouraging peace and strength to all five tribes. All five tribes, the Onondagas, the Senecas, the Mohawks, the Oneids, and the Cayugas accepted Hiawatha's proposition and formed the Iroquois Confederacy between 1000 C.E. and 1400 C.E.

Non biased personal freedoms and liberty are ideas deeply imbedded in the Great Law. Other significant similarities to the Constitution include: a complex system of checks and balances, ways of joining the Great Council, and ways to amend the Law. To insure peace, the Great Law proposed that no one tribe could declare war without the other four tribes consent. This original idea expanded to an elaborate system of checks and balances. On the broadest level of the Grand Council there were 3 separate groups: the "older brothers (p. 25 Fathers)" composed of the Senecas and the Mohawks; the "younger brothers" who were the Cayugas and the Oneidas; and the Onondagas who acted similarly to the executive branch.

Once a suggestion was made to the council, it was first considered individually by each of the four nations and then a common agreement was reached by the younger and older brothers. If the older and younger brothers disagreed and could not compromise then the Onondegas were responsible for breaking the tie. However, if the four nations agreed, then the Onondegas could confirm the decision or send it back for reconsideration. If it was sent back, the Onondegas's veto was either accepted or overridden. The Grand Council adopted this democratic procedure whenever a suggestion was made in order to share the power equally among all four nations.

The Grand Council was composed of qualified chiefs from all five nations. The chiefs were originally nominated by women according to their heredity, but in the seventeenth century, chiefs were increasingly elected according to leadership skills. If a chief disobeyed the Great Law, depending on if he entered council by bloodlines or election, either he could be dismissed or the nations would "be deaf to his voice and his advice (p. 28 Fathers)" People seeking a dismissal of a chief or change in the Great Law could contact a specific war chief who proposed the idea to the Grand Council. To prevent the Grand Council from breaking into nation-based factions, Deganwidah designed five different clans. The five clans, the Great Bear, Turtle, Deer Pigeon, Hawk and Wild Potatoes, contained members from each nation, which prevented one nation from dominating the others, and preserved the democracy.

The Great Law included instructions on amending laws. Deganwidah was especially concerned with the flexibility of the government and encouraged new laws or revision of the old laws. Hiawatha commands that:

If the conditions which arise at any future time call for an addition of or a change of this law, the case shall be carefully considered and if a new beam seems necessary or beneficial, the proposed change shall be decided upon and, if adopted, shall be called "added to the rafters." (p. 29, Johansen)

Benjamin Franklin recognized the Confederacy's passion for liberty and the strength in the Great Law and found it refreshing in comparison to the stale laws of England. He greatly admired the respectful atmosphere at the Grand Council meetings, which today have become traditional in both houses of Congress. The British press and royalists criticized Franklin for his favorable view of the Native American government to which he replied:

It would be a strange thing ...if Six Nations of ignorant savages should be capable of forming such a union and be able to execute it in such a manner that it has subsisted for ages and appears indissoluble, and yet that a like union should be impractical for ten or a dozen English colonies, to whom it is more necessary and must be more advantageous, and who cannot be supposed to want an equal understanding of their interest. (p.242, Lyons)

Franklin did extensive research of the Iroquois Confederacy, receiving copies of the book History of the Five Indian Nations and corresponding with the author Cadwallader Colden, and finally decided to take action. Franklin met with a council of Iroquois delegates in 1754, to

construct a political article that would be similar to the tenets of the Iroquois Confederacy. Franklin required in this document that, like the Iroquois Confederacy, all the colonies must agree or one colony could veto the action of the others. He pushed for a unicameral government, and divided the number of representatives from each colony so all had equal representation. On July 10, 1754, Franklin officially proposed this article, the Albany Plan of Union, before the Congress. The chief executive of congress, James de Laney, also recognized the strength of the Confederacy and remarked, "I hope that by this present (Plan of) Union, we shall grow up to a great height and be as powerful and famous as you are. (p. 71, Johansen)" After much debate, the Albany Plan of Union was accepted and was fused with the Articles of Confederation to form the United States Constitution. Close assessment of this process of the formation of the Constitution clearly shows that it derived much from the Iroquois Great Law of Peace. Historian C. Elmore Reaman sums it up best stating "Any race of people who provided the prototype for the Constitution of the United States, should be given their rightful recognition (p. 17 Johansen)."

BIBLIOGRAPHY

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