

Treaties as Shoreline Technologies: Relational Sovereignty, Water, and Coexistence

Joe Maxwell

Abstract

This paper reframes treaties not as static legal instruments but as relational technologies emerging from ongoing encounters between Native and settler nations. Centering the Two Row Wampum belt, I argue that early treaty-making articulated an ethical framework of coexistence grounded in relational responsibility rather than territorial finality. A framework later diminished by United States legal interpretation.

Drawing on Epeli Hau'ofa and Dilip da Cunha, I develop a relational epistemology of sovereignty that challenges cartographic and textual approaches to treaty interpretation. Leanne Betasamosake Simpson's account of Indigenous blockades extends this framework into land-based practice, revealing resistance as a generative enactment of treaty responsibility.

Engaging Layli Long Soldier, I examine the limits of colonial law and expand what counts as treaty. I return to wampum's submerged origins to propose treaties as "shoreline technologies": provisional records of relational encounters sustained across material, poetic, and ecological forms.

A Short History of Treaties

The history of the land now called both the United States and Turtle Island is inseparable from the history of treaties. Long before the emergence of colonial states, Native Nations developed treaty-making practices to govern relationships with land and with one another. These early treaties functioned as relational technologies through which reciprocity was established, resource use was clarified, and past harms were addressed. Because these agreements predated colonial systems of written communication, they were negotiated and sustained through ceremonial practices such as gift-giving, feasting, and storytelling.

One widespread treaty technology was the gifting of wampum beads. Harvested from quahog shells along Northeastern shores and arranged into belts, wampum carried layered meanings that were interpreted, remembered, and renewed through oral tradition. These belts circulated far beyond their coastal origins, reaching inland Nations across Turtle Island. Their presence within landlocked communities demonstrates how relational meaning, carried through material and ceremonial forms, could permeate diverse political and ecological contexts.

This tradition informed early treaty relationships between Native Nations and European powers. In 1613, the Two Row Wampum Belt was gifted by the Haudenosaunee Confederacy to Dutch settlers in what is now called New York. The belt's two parallel purple rows symbolize the distinct lifeways of Indigenous and European peoples, bound by a shared commitment to

Non-interference. The treaty's reliance on symbolic and material language allowed for mutual intelligibility across legal systems, a feature central to Indigenous relational jurisprudence.

The United States entered this Haudenosaunee legal tradition with the ratification of the 1794 George Washington Belt. The belt depicts thirteen figures representing the original colonies alongside Haudenosaunee leadership connected through the longhouse. Within Haudenosaunee law, treaties are not isolated agreements but continuations of prior relationships. As such, the principles articulated in the Two Row Wampum remain legally and ethically operative within this tradition.

Early treaties thus function as records of relationship that retain interpretive significance across both Indigenous and settler legal frameworks. As the United States expanded inland, Native Nations adapted treaty-making practices to engage colonial procedures while maintaining Indigenous legal orientations. These orientations persist despite ongoing struggles over interpretation, underscoring treaties as living agreements that continue to evolve as Native Nations and the United States share land.

Fluid Nationhood & Indigenous Sovereignty

Native interpretations of legal documents must be grounded in a clear understanding of Indigenous nationhood. Dominant approaches to sovereignty rely on fixed boundaries between political entities, often drawn during treaty negotiations and rendered legible through maps. Within prevailing interpretations of treaties between the United States and Native Nations, treaty relationships are treated as spatially bounded and capable of precise demarcation.

Dilip da Cunha critiques this Western cartographic lens by distinguishing between dominating and submerged perspectives. Dominating perspectives stabilize what is inherently fluid by transforming rivers into lines of separation imposed upon moving systems. Da Cunha calls these "lines of flow", yet a river's meandering courses reveal how such representations must continually be revised to maintain coherence; he offers the counterbalancing "flow of lines" to articulate this phenomenon. Da Cunha argues that landscapes are better understood through the mutual co-existence of wet and dry land, emphasizing the water cycle's capacity to exceed cartographic containment. As he notes, precipitation events demonstrate water's unique ability to penetrate deep into dry land, offering a new ground for understanding, he describes water as "another ground of constituting the past, present, and future," situating habitation within cycles of flow rather than fixed lines.

In the Western cartographic tradition, rivers are frequently used to separate political entities within cycles of evaporation, condensation, and precipitation do not adhere to national boundaries. Epeli Hau'ofa extends this logic from landscapes to people. In *Our Sea of Islands*, Hau'ofa describes two levels of simultaneous social operation: one organized by nation-states and formal diplomacy, and another shaped by everyday relational practices that sustain families and communities across borders (Hau'ofa 1994). He develops a relational epistemology of sovereignty built on these everyday relationships. Rather than describing the Pacific region as a vast ocean separating tiny islands, he offers the web of connections between these islands as a

“sea of islands”. The sea between islands is the same water in both interpretations; while the colonial view recognizes water as a barrier between sovereign Nation-States, Hau’ofa’s “sea of islands” approach highlights the relational networks that recognize the water as a connecting medium.

Hau’ofa illustrates this through the story of a Tongan man who regularly travels between Tonga, Fiji, and California, transporting goods and maintaining relationships across political boundaries. Hau’ofa describes such individuals as part of a submerged population whose movements cultivate expansive relational worlds beyond the limits of national mapping (Hau’ofa 1994). This perspective does not deny nationhood; rather, it reframes sovereignty as lived, practiced, and relational. Here lies a foundation for Indigenous nationhood in which Native and settler governance structures may coexist, not through rigid separation, but through ongoing relational flow.

da Cunha’s flow of lines and Hau’ofa’s sea of islands work together to create an awareness of sovereignty that is ever evolving and refuses to be mapped. The relationship between wet and dry places, dominant and submerged perspectives, and settler and Indigenous sovereignties allows Indigenous resistance movements to be understood as more than reactive or anti-settler. Read through a fluid epistemology of statehood, blockades become liminal sites where competing perspectives on land, sovereignty, and relationship are negotiated rather than resolved.

Leanne Betasamosake Simpson’s *A Short History of the Blockade: Giant Beavers, Diplomacy, and Regeneration in Nishnaabeg* extends the relational theories of nationhood articulated by Hau’ofa into epistemologies grounded on Turtle Island. The sea of islands becomes a land of reservations. Where Hau’ofa demonstrates how Indigenous nationhood exceeds state boundaries through everyday relational practice, Simpson reframes Indigenous resistance as a generative act oriented toward protecting and renewing Indigenous relational worlds.

Simpson employs the beaver as a guiding metaphor, drawing on its capacity to interrupt river flows to illustrate how Indigenous blockades disrupt settler-imposed lines of separation. While colonial economies reduced beavers to extractive value, beaver dams operate outside rigid, linear control, creating conditions for ecological regeneration. These blockades enrich surrounding ecosystems by slowing water, deepening pools, and sustaining life. Contrast this with settler’s impermeable dams engineered to enforce domination and efficiency.

Simpson argues that settler attitudes toward beavers’ mirror settler relationships to Indigenous resistance: once viewed as obstructions, both are increasingly recognized as generative forces (Simpson 2021). Sites of Indigenous blockades have evolved from historical movements to more modern examples like 2016’s Standing Rock Water Protector movement. The tradition of these spaces acting as places of cultural resurgence where resistance, ceremony, and Indigenous legal practice simultaneously occur have unfolded over generations.

Understood through Indigenous treaty-making practices predating European arrival, such blockades are not isolated confrontations but manifestations of an ongoing coexistence between

Indigenous and settler nations. These encounters function as shoreline spaces—liminal zones where distinct systems of relationship, responsibility, and governance meet without collapse. Treaties arise from these moments as provisional records of relationships, orienting future encounters. In this sense, treaties emerge as “shoreline technologies”: documentation shaped by spaces of encounter where coexistence is continually negotiated rather than finalized.

Limits of Colonial Legal Writing

While Simpson reveals how Indigenous blockades enact treaty responsibility through land-based practice, these encounters ultimately confront the problem of translation into settler legal form. If blockades function as shoreline spaces where relational sovereignty is lived, treaties attempt to record those encounters through written language. This raises a critical question: how can a medium structured by fixity, linearity, and single orientation capture relationships grounded in flow, multiplicity, and ongoing obligation? Layli Long Soldier’s *Whereas* intervenes at this juncture by turning legal language back on itself, exposing the limits of colonial textuality while opening space for Indigenous relational meaning to persist beyond the page.

Whereas repositions legal language by exposing its limits as a tool for mediating Indigenous-settler relationships. Structured in two parts, the collection approaches legal responsibility from complementary angles, ultimately demonstrating that written language alone cannot hold the depth of Native Nations lived, symbolic, and relational ties to the United States. *Whereas* functions as a shoreline technology between poetry and law, illuminating both the power and insufficiency of text for capturing relationships that exceed symbolic representation.

The first section, “These Beings the Concern,” employs nontraditional spacing and orientation to test the boundaries of written expression. In the passage “Three”, words such as “space,” “place,” “me,” and “you” are arranged in a framed, multi-directional form that invites readers to encounter relationality spatially rather than linear textualism:



(Long Soldier 2017)

By offering multiple orientations of text, the poem destabilizes the assumption that meaning flows in a single, authoritative direction. Readers positioned around the page encounter different words as “upright,” revealing interpretation as contingent, relational, and incomplete. In this way, spaces between letters and words that are typically subordinate to text carry an interpretive weight equal to the written word, transforming the page from a static surface into a site of relational encounter. Space becomes an anchor of relationality between the text and reader, as whiteness on the page is transformed.

The second section, “Whereas,” adopts the formal architecture of U.S. legal writing through “Whereas Statements,” “Resolutions,” and “Disclaimers.” Here, Long Soldier brings her work closest to the state’s preferred mode of expression, only to expose the violence embedded in legal language used to dispossess Indigenous peoples of land. Rather than seeking inclusion within legal discourse, she interrogates its capacity to account for Indigenous presence, memory, and responsibility.

The passage “WHEREAS the word whereas means it being the case that, or considering that, or while on the contrary; is a qualifying or introductory statement, a conjunction, a connector” places the infrastructure of colonial legal language under Layli Long Soldier’s scrutiny. By isolating *whereas* as a connector, Long Soldier exposes how legal writing relies on syntactic linkage rather than relational obligation. She extends this critique through the metaphor of hospitality, describing legal language as a table set with “cloth. The saltshakers and plates.” Yet this invitation is not neutral. Responding to the apparent openness of legal address, she writes: “Whereas, I have learned to exist without your formality, saltshakers, plates, cloth. Without the slightest conjunctions to connect me.” (Long Soldier 2017).

This refusal of legal hospitality is not a rejection of relationship, but an assertion that relational life persists beyond colonial legal form. By engaging the language of legality while simultaneously exceeding it, Long Soldier questions the capacity of written treaties to function as adequate shoreline technologies. Her work does not merely reinterpret the 374 treaties ratified by the United States; it expands what counts as treaty media at the shoreline, insisting that relational obligation is not confined to state-recognized documents.

The limits of written treaty interpretation are evident in the historical record. While 63 of the 374 ratified treaties declare “everlasting peace,” these relational commitments have carried little interpretive weight in United States jurisprudence. By contrast, more than 200 treaties include land cession provisions, creating boundaries that are easily mapped, enforced, and stabilized. As Dilip da Cunha’s critique of cartographic dominance suggests, it is unsurprising that fixed territorial lines have been privileged by the Supreme Court over fluid relational promises.

Indigenous perspectives invert this hierarchy. In a relational mode of governance, treaty technology functions as a barometer of relational flow rather than a repository of isolated provisions. Meaning emerges across a series of encounters, not from any single text. Long Soldier’s intervention widens the scope of what Native Nations may recognize as treaty beyond state ratification, reflecting Indigenous nationhood’s transcendence of settler border and legal imaginaries.

Treaties understood relationally cannot be mapped; they mark sites of encounter. Indigenous treaty-making with European powers began with the first gift offered to settlers and continues through correspondence, ceremony, poetry, and material exchange. As Melody Jue argues, immersion reshapes how knowledge is produced and interpreted, revealing how media formed through submerged, relational conditions exceed terrestrial logics (Jue 2020). Read this way, Two Row Wampum is treaty, *Whereas* is treaty, this paper is treaty: each attempt to navigate the shoreline between co-existing domains without fixing relationships into static form.

Two Row Wampum Today

Wampum belts still serve as treaties between Native and Settler nations while providing metaphor for each legal system’s interpretation of treaty-making. A Native negotiator may look upon a belt of beads and recognize the string as the element that holds the whole together. Likewise, Native Nations often approach treaty-making as a series of distinct agreements made meaningful only through the continuous relationships that bind them. Settlers arrive at the same shoreline with a new bead each time, while Native Nations craft submerged, relational treaties that preserve a fluid story of coexistence unfolding between two canoes.

People descended from the settler canoe have traveled down the river of life just as those descended from the Native canoe. From a settler’s perspective, centuries of land dispossession may be understood as violations of the original promise of non-interference. Cultural assimilation has altered land tenure, citizenship, and even Native governance structures in ways that make a full return to the original terms impossible. Still, Indigenous modes of relationality

persist through personal relationships, blockades, poetry, and wampum. Native people continue to hold space for coexistence.

Indigenous understandings of law reframe non-interference as more than territorial restraint; they understand it as relational care, akin to the promise made in sharing a glass of water. It is an invitation to recognize that sustenance comes from the same place, even as our bodies receive it differently. To return to the shoreline, then, is not to resolve the past but to commit to presence.

A fluid approach to legal interpretation allows treaty promises to evolve alongside relationships. The earliest European engagements with Indigenous treaty-making traditions now extend an invitation to their descendants. Settlers today, as in 1613, are called to meet Indigenous peoples at the shoreline, not to fix relationship once and for all, but to exchange gifts, renew responsibility, and honor the ongoing evolution of coexistence.

References

da Cunha, Dilip. *The Invention of Rivers: Alexander's Eye and Ganga's Descent.*

Philadelphia, PA: University of Pennsylvania Press, 2019.

Hau'ofa, Epeli. Our Sea of Islands. *The Contemporary Pacific* 6, no. 1, Spring 1994

Long Soldier, Layli. *Whereas.* Minneapolis, MN: Grey Wolf Press, 2017

Onondaga Nation. Two Row Wampum – Gaswéñdah. Nedrow, NY: Website.

<https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswenta/>

Simpson, Leanne Betasamosake. *A Short History of the Blockade: Giant Beavers,*

Diplomacy, and Regeneration in Nishnaabewin. Edmonton: University of Alberta Press, 2021.