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**Sovereign Performances: Indigenous Women's
Theatre and the Legal and Political Work of
Decolonization in the U.S. and Canada**

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Introduction

This dissertation examines selected works by Indigenous women playwrights from the United States and Canada in the twenty-first century, positioning their theatre as a crucial medium for decolonization and self-determination. It argues that these playwrights use theatre as a powerful platform to challenge settler-colonial legal narratives that have disproportionately affected the lives of Indigenous women. Through their plays, these writers transform the stage into a space for legal critique and social activism. By analyzing these works, the research highlights the unique contributions of Indigenous women's storytelling to broader struggles for justice, sovereignty, and cultural resurgence.

Through theatre, these playwrights offer alternative perspectives that center Indigenous worldviews, creating new frameworks to address the systemic marginalization of Indigenous women in both legal and cultural contexts. This study contends that Indigenous women playwrights use theatre not only as a platform for critiquing colonial legal systems but also as a space to express and reclaim Indigenous legal traditions. Furthermore, it argues that these playwrights challenge the assumption that sovereignty is gender-neutral, emphasizing that Indigenous women's experiences are central to achieving genuine self-determination and legal reform.

1.1. Research Objectives

The primary focus of this dissertation is the intersection between Indigenous women's theatre and colonial legal structures, investigating how these playwrights engage with, critique, and subvert colonial laws and norms. This research explores how the stage becomes a space where Indigenous women challenge the historical and ongoing impacts of settler-colonial legal frameworks on their communities, using theatre as a tool for both social commentary and legal resistance.

A key objective of this dissertation is to demonstrate how the social and political contexts shaped by colonial legal and legislative discourses provide a crucial foundation for understanding the work of these contemporary playwrights. By situating their plays within these contexts, this research aims to reveal how Indigenous women's theatre serves as a response to specific forms of legal oppression, offering counter-narratives that resist and reframe dominant legal paradigms.

At its core, this study examines how Indigenous women playwrights use their creative works to advocate for Indigenous sovereignty and gender justice. These plays do more than critique the limitations of existing colonial legal systems; they promote Indigenous legal values, traditional knowledge, and community-based approaches to justice rooted in the cultural practices of Indigenous peoples. By presenting Indigenous perspectives as alternatives to mainstream legal frameworks—which have historically silenced or marginalized the voices of Indigenous women—these playwrights reimagine justice in ways that center community well-being and the leadership of women.

The dissertation positions Indigenous women's theatre as a vital site for envisioning and enacting a decolonized future, where justice is shaped by Indigenous values and where Indigenous women reclaim their roles as leaders, storytellers, and knowledge keepers. In many Indigenous communities, these roles have historically been central to maintaining social order, preserving cultural traditions, and transmitting community knowledge across generations. Colonization, however, has often disrupted these roles, marginalizing Indigenous women's voices and undermining their influence within their communities.

By reclaiming the role of Indigenous women as central to achieving community's social justice goals, Indigenous women playwrights engage in direct activism that challenges the colonial narratives which have historically rendered them invisible or peripheral within their own societies. Through their work, they assert their authority in shaping both cultural and legal discourses, redefining leadership in ways that are rooted in Indigenous values of relationality, community well-being, and collective responsibility. Their theatre thus becomes a form of social and political action, directly confronting the legacies of colonialism and advocating for systemic change.

As storytellers, these playwrights use the power of narrative as a tool for activism, resisting the colonial erasure of Indigenous women's central roles in the well-being and cultural continuation of their communities. Storytelling, in this context, is not merely an act of creative expression but a deliberate intervention against colonial silencing. Through their plays, Indigenous women playwrights bring forward stories that have been suppressed or distorted by colonial narratives, offering new ways of understanding history, law, and community that center Indigenous perspectives. This form of

storytelling aims to educate both Indigenous and non-Indigenous audiences, fostering awareness, and motivating social action towards justice and reconciliation.

Indigenous women playwrights' activism involves actively resisting the erasure of Indigenous ways of knowing, especially those that have been suppressed by colonial education systems and legal structures. By embedding Indigenous legal values within their plays, these playwrights create a space where Indigenous law and values are not only remembered but practiced, adapted, and used as tools for advocacy. This act of knowledge keeping is both a reclamation of intellectual sovereignty and a strategy for cultural resurgence, allowing Indigenous communities to heal and to envision futures that are self-determined.

Contemporary Indigenous women playwrights continue a longstanding tradition of using their creative work as a platform for social and gender justice (Suzack, *Indigenous Women's Writing* 5). Their plays engage with critical issues such as exclusionary tribal membership politics, the ongoing crisis of violence against Indigenous women, and struggles around repatriation and cultural heritage. Through theatre, these playwrights highlight the vital contributions of Indigenous women to various forms of community-based justice and cultural resurgence. By centering these urgent social and political struggles on the stage, they assert that theatre plays a crucial role in shaping how audiences understand and respond to these challenges. Their work underscores the importance of gender identity in addressing these issues, demonstrating that the experiences and perspectives of Indigenous women are essential to achieving meaningful justice and self-determination.

1.2. Research Questions and Problems Addressed

This dissertation investigates how Indigenous women playwrights use theatre as a means to critique and resist colonial legal structures. One of the central questions it aims to address is how these playwrights use storytelling to reveal the impact of colonial legal systems on Indigenous communities, challenging the narratives that have historically controlled and silenced Indigenous voices. Through the themes, narratives, and characters in their plays, this study aims to investigate the ways in which Indigenous women use theatre as a platform for resistance, offering new perspectives and reclaiming cultural expression as a tool for activism.

Additionally, this study examines how these plays present Indigenous legal values and propose alternative frameworks for justice. It focuses on what role storytelling plays in reintroducing and revitalizing traditional legal principles that have been marginalized or suppressed by colonial systems. By analyzing specific plays, this research aims to explore how contemporary Indigenous women's theatre embodies principles such as restorative justice, communal well-being, and the central role of women in maintaining social order. It aims to reveal how these dramatic works create spaces where Indigenous legal traditions are actively practiced and communicated, offering audiences – both Indigenous and non-Indigenous—visions of justice that differ fundamentally from Western legal paradigms and that are deeply rooted in Indigenous worldviews.

The study also addresses how Indigenous women's theatre function as a tool for feminist and decolonial activism, advancing the rights and sovereignty of Indigenous women. It explores the ways in which these playwrights center the experiences, voices, and leadership of Indigenous women within their works, positioning them as crucial figures in the processes of cultural resurgence and political sovereignty. The research considers how these plays challenge patriarchal norms both within and beyond Indigenous communities and advocate for a future where Indigenous women's contributions to governance and social justice are recognized and restored. Through this analysis, the study positions Indigenous theatre as a form of intellectual and cultural activism that contributes to broader movements for decolonization.

Overall, this study addresses the systemic marginalization of Indigenous women through colonial legal frameworks, examining how these structures have excluded Indigenous women from positions of authority and decision-making. It investigates how theatre serves as a space for reclaiming legal and cultural narratives, emphasizing Indigenous women's roles in community governance and self-determination. Colonial legal systems have not only disrupted the social and political roles of Indigenous women but have also eroded matrilineal structures and community-centered practices central to many Indigenous societies (Allen, 202). This research contends that theatre offers a medium through which Indigenous women can reassert their roles as knowledge keepers, legal interpreters, and community leaders. It positions Indigenous women's theatre as a form of intellectual activism that challenges the narrative of

Indigenous societies as “lawless” and makes visible the ongoing relevance of Indigenous legal traditions.

Moreover, the study emphasizes that the representation of Indigenous legal values in theatre is not merely about nostalgia for the past but is deeply connected to contemporary struggles for sovereignty and self-determination. The plays analyzed serve as sites where Indigenous women’s experiences of colonial violence are articulated, while also imagining a decolonized future. This study aims to show how, through the medium of theatre, these playwrights offer a vision of justice that centers Indigenous women’s leadership and draws upon the resilience and continuity of Indigenous legal frameworks, offering pathways toward healing and cultural resurgence, and how the stage becomes a space for challenging dominant narratives, asserting Indigenous rights, and envisioning new possibilities for justice that are grounded in the values of Indigenous communities.

1.3. Literature Review

1.3.1. Law and Indigenous Women’s Writing

This research builds upon existing scholarship in Indigenous literary studies, particularly focusing on the intersections between women’s literary work and legal systems. In an essay published in *The Cambridge History of Native American Literature* (2020) entitled “Native Women’s Writing and Law”, Beth Piatote explores how Indigenous women have historically engaged with both settler-colonial and Indigenous legal frameworks. She traces the trajectory of Native women’s writings from early interactions with colonial law to contemporary literary contributions, emphasizing the role of writing as a tool for advocacy, resistance, and the reclamation of Indigenous law and identity. Piatote argues that a key contribution of Native women’s writing about law is its capacity to “make visible Indigenous systems and practices of law, and thus challenge the discourses of Indigenous societies as lawless (246). By navigating both colonial and Indigenous legal systems, this dual engagement highlights the constraints imposed by colonial regimes alongside the resilience of Indigenous legal traditions in maintaining cultural continuity and adapting to new challenges. In my analysis, this engagement with both colonial and legal systems is foundation, as I examine how contemporary Indigenous playwrights, like Piatote herself, align with a longstanding

tradition of Indigenous women writers who critique colonial law while “acknowledging Indigenous legal principles and practices” (Piatote 246) as an enduring presence.

Cheryl Suzack’s seminal work, *Indigenous Women’s Writing and the Cultural Study of Law* (2017) further explores the relationship between Indigenous literature and legal systems. In her insightful analysis of four novels written by Indigenous women writers after the post-civil right era, Suzack emphasizes how these writers navigate both colonial and Indigenous legal orders, using literary expression to challenge and redefine these frameworks.

1.3.2. Indigenous Literature and the Law

My research participates in a broader field of study that has shown the close relationship between Indigenous literatures and the law in North America. In his essay “The (Post)Colonial Construction of Indian Country U.S.: American Indian Literatures and Federal Indian Law” (2006), Eric Cheyfitz makes a compelling argument for the necessity of deploying federal Indian law in understanding Native literatures of the US. He sketches a history of federal Indian law and its related areas to clarify how it has shaped the colonization of Native tribes, or nations, and their resistance to these forces to show the implicit and explicit influences that this legal history has on these literary works. Cheyfitz bases his critical study on the works of Native scholars who have called attention to the importance of a politicized approach to Indigenous literary practices, such as Osage scholar Robert Warrior, who in his 1994 *Tribal Secrets, Recovering American Indian Intellectual Traditions*, argues that Indigenous literary works must consider both the historical context in which they arise and the political aims of their authors and Elizabeth Cook-Lynn, who emphasizes that federal Indian law should be foundational in Native American studies, arguing that “the study of [the 'machinations of the government and the courts'] should be at the core of curricular development [in Native American studies]” (“Editor’s Commentary” 7). This perspective aligns with recent scholarship that highlights how Indigenous writing engages legal matters, including *Domestic Subjects* (2013) by Beth Piatote (Nez Perce), which tracks the double movement of literature and law in context of the allotment era over the aims of settler-national domestication and the defense of tribal-national culture, political rights, and territory, Maureen Konkle’s *Writing Indian Nations: Native Intellectuals and the*

Politics of Historiography, 1827–1863 (2004), *Sovereign Selves* (2006) by David Carlson, which explores how American Indian autobiographers' approaches to writing about their own lives have been impacted by American legal systems from the Revolutionary War until the 1920s.

In a compelling article on Anishinaabe writer's Louise Erdrich's book *The Round House*, Cheyfiz and Shari Huhndorf begin by pointing out that typically, in Western epistemologies, "literature" and "law" have come to refer to written texts, while in Indigenous communities, traditionally—before colonization and in ongoing resistance to it—there was and is no strict separation between literature and law in the Western sense (264). Instead, stories were conveyed orally and through forms such as wampum belts. As Anishinaabe scholar Gerald Vizenor illustrates in his 2008 collection *Survivance*, what the West terms "law" can be understood as a form of story within Indigenous frameworks (5 – 6).

This perspective highlights how Indigenous literature "unsettles distinctions between law and literature at the heart of the Western tradition" (Huhndorf and Cheyfiz 276). This idea is particularly relevant in the context of US federal Indian law, which created a colonial political context that has persisted since the early days of the United States makes it impossible to fully understand Indigenous legal struggles without also considering the stories—whether oral, written, or performed—that have been used to resist, critique, and reinterpret those legal frameworks (Cheyfiz 1 – 124). My research builds on these insights by directly linking Indigenous theatre to legal theory and activism. Drawing on existing scholarship, I argue that the plays I analyze function as legal narratives, offering critiques of colonial legal systems and presenting alternative visions of justice rooted in Indigenous legal orders. This explicit focus on the interplay between theatre, law, and justice extends the analysis into the realm of legal critique, underscoring how theatrical performances engage directly with the impacts of colonial legal practices on Indigenous lives. In doing so, my research responds to scholarship in Indigenous studies that advocates for "a commitment to theory rooted in activism, where political outcomes are as important as underlying philosophies" (Justice, Teuton, and Womack 8).

1.3.3. Critical Studies on Indigenous Theatre

Indigenous theatre from Turtle Island and its interaction with the political contexts it arises from has been under-researched. Recent works, such as the 2020 *Critical Companion to Native American and First Nations Theatre and Performance*, represent an effort to approach Indigenous theatre in relation to “spiritual and intellectual traditions, aesthetic values, and political actions” (5). In her well-researched 2009 study, *Native American Drama: A Critical Perspective*, Christy Stanlake argues that reading Native American plays benefits from grounding oneself in “Native American history and a basic understanding of the laws pertaining to Native American-government relationships, especially those regarding Native homelands, languages, spiritual practices, education, and identity” (22). However, while Stanlake develops a comprehensive critical perspective on Indigenous drama drawing on Indigenous methodologies, her approach does not specifically address the relationship these plays have with legal practices. In addition, Stanlake provides a detailed history of Native American drama as an introduction to her book, emphasizing the close connection between the emergence of Native American theatre in the 1960s and the Indigenous political movements in the United States and Canada during the 1960s and 1970s (8).

Lindsay Lachance’s 2012 Ph.D. dissertation “The Embodied Politics of Relational Dramaturgies” makes a significant contribution to the growing field of Indigenous theatre studies. Her approach is participatory, as she actively took part in productions as a theatre practitioner. While this participatory method lies beyond the scope of this study, it opens a promising research avenue for both Indigenous and non-Indigenous researchers, particularly in efforts to foster dialogue between Indigenous and non-Indigenous theatre practitioners and to bring Indigenous theatre to non-North American contexts. In her dissertation on Indigenous theatre in the Canadian context, Lindsay Lachance expands on this idea, highlighting that contemporary Indigenous theatre builds on the artistic practices of Indigenous theatre practitioners from the 1960s and centers on privileging and politicizing Indigenous ways of knowing in contemporary theatre (Lachance 20).

My study builds on Lachance’s insights and examines contemporary plays not only as continuations of politically engaged Indigenous theatre movements from the 1960s

and 1970s but also by focusing specifically on the relationship and dialogue these plays engage with law and legal practices, situating Indigenous women's theatre within the broader context of Indigenous studies.

1.3.4. Indigenous Theatre and Transnational Indigenous Studies

This study also builds on scholarship in Indigenous theatre studies that emphasizes the centrality of Indigenous theatre practices as a way to build community. Yvette Nolan's seminal *Medicine Shows*, emphasizes the communal aspects of Indigenous theatre and its role in healing, is central to my argument. Nolan frames theatre as a form of cultural medicine that promotes healing and community well-being. My study builds on this perspective by highlighting the specific contributions of Indigenous women playwrights to the decolonization of both theatre and the revitalization of Indigenous legal values, centering storytelling as a means of healing and community reconnection.

In recent decades, there has been a notable increase in scholarship on Indigenous theatre, especially within the Canadian context, alongside the publication of anthologies of Indigenous plays. *Staging Coyote's Dream*, edited by Ric Knowles and Monique Mojica (Guna and Rappahannock actor, playwright, dramaturg, and scholar), began with two volumes in 2003 and 2008 and recently expanded with a third volume in 2024. Additionally, the 2016 book *Performing Indigeneity: New Essays on Canadian Theatre*, curated by Yvette Nolan (Algonquin/Irish) and Ric Knowles, represents the first collection of essays entirely written by Indigenous artists and scholars. The essays range from short, personal reflections tracing individual histories within Canadian theatre to scholarly analyses of performances, offering a diverse and comprehensive exploration of Indigenous contributions to the field.

However, few studies have adopted a transnational comparative approach that includes both the United States and Canada. This study addresses that gap by employing a transnational framework to analyze legal and literary texts, drawing on Shari Huhndorf's theoretical insights. In *Mapping the Americas*, Huhndorf introduces the idea of the "transnational turn" in Indigenous studies to highlight the shared history of colonization and collective relationships to the land, which provide a foundation for the formation of global political alliances (13). Drawing on this transnational framework, my study involves a broader view of Indigenous women's struggles across colonial

borders, demonstrating how their activism through theatre contributes to international debates aimed at achieving social justice goals.

Recent scholarship has increasingly explored transnational perspectives. In addition to the previously discussed Darby, Mohler, and Stanlake's *Critical Companion*, the book *Native American Performance and Representation*, a 2011 collection of essays edited by Samuel Wilmer, examines the evolution of Native American artistic performances and their ties to historical and cultural traditions across both the United States and Canada. This volume, which originated from a 2002 "Ritual and Performance" workshop, highlights how traditional Indigenous ceremonies have been transformed into contemporary artistic expressions – including theater, film, video, and multimedia—especially since the 1960s. Wilmer and other contributors delve into the ongoing negotiation between Indigenous traditions and modern creative practices, as well as the complexities surrounding "authenticity" in Indigenous performances.

This dissertation aligns with Ric Knowles' call for a trans-Indigenous approach in Indigenous performance studies ("Editorial Comment: TransIndigenous Performance" ix) aiming to transcend national boundaries and embrace methodologies that foster global dialogues among Indigenous communities. Knowles draws on Chadwick Allen's transindigenous approach that advocates for a comparative framework that places Indigenous works into "purposeful juxtapositions," allowing for a deeper understanding of the relationships, exchanges, and creative interactions between Indigenous nations (*Trans-Indigenous: Methodologies for Global Native Literary Studies* xiv). My study contributes to this conversation by analyzing how Indigenous women playwrights from the United States and Canada utilize theatre as a platform for decolonization, legal critique, and cultural renewal. By focusing on the gendered and legal dimensions of these works, this research advances the field of trans-Indigenous performance studies and offers new insights into the role of theatre in reclaiming Indigenous sovereignty and identity in Turtle Island.

However, the specific exploration of theatre as a critical space to challenge colonial legal practices remains significantly under-researched, with discussions limited to a few scattered articles. Most existing research prioritizes Indigenous novels, often neglecting how theatre serves as a performative space where law, culture, and activism converge.

This dissertation addresses this gap by focusing on the contributions of Indigenous women playwrights, demonstrating how their works not only engage with but also actively critique colonial legal structures. It further highlights the unique potential of theatre to present counter-narratives to colonial law, offering new frameworks for understanding justice through Indigenous perspectives.

1.3.5. Cultural Legal Studies and Indigenous Law

In the expanding field of Indigenous legal studies and literature, scholarship has increasingly emphasized the intersection of Indigenous film and law. Legal scholar Rebecca Johnson's groundbreaking work on Inuit films and law ("Questions about Questions: Law and Film Reflections on the Duty to Learn" (2020); "The Colonial Collision: Reflections on Stories of Intercultural Encounter in Law, Literature, Sculpture, and Film" (2012)), builds on her research into Inuit storytelling as a source of legal knowledge ("Learning Indigenous Law: Reflections on Working with Western Inuit Stories"; Additionally, her creation of the Inuit Law and Film Course at the University of Victoria Law School underscores her dedication to exploring this intersection. Johnson's scholarship draws extensively from her involvement in the Indigenous Law Research Unit at the University of Victoria and applies the methodology developed by Val Napoleon and Hadley Friedland for engaging with Indigenous stories as sources of Indigenous law ("An Inside Job: Engaging with Indigenous Legal Traditions through Stories" (2016); "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (2015 – 2016)). My study builds on this methodology, which I learned during my research stay at the University of Victoria, and extends Johnson's analysis into the field of Indigenous theatre.

The Australian legal scholarship on law, literature, and popular culture offers a fertile research context. Australian scholar Kirsty Duncanson underscores the significance of cinema, arguing that films are "not only a central source of knowing what law is, how it works, and the foundations of its authority, but they also provide a space for rethinking, questioning, and reimagining law: they are a venue of popular jurisprudential negotiation" ("Native' Landscapes, 'Cultivated' Gardens, and the Erasure of Indigenous Sovereignty in Two Recent Instances of Australian Cinematic

Jurisprudence” (2012)). William MacNeil further expands this field, proposing a “jurisprudential” reading of literature (*Novel Judgments: Legal Theory as Fiction* (2012)) and popular culture texts (*Lex Populi: The Jurisprudence of Popular Culture* (2007)), to explore how these works critique foundational theories and philosophies of law, sparking public discourse on essential topics like justice, human rights, and ethics.

1.3.6. Theatre and Law

Despite recent interest, the intersection of theatre and law remains a generally under-researched area. In the expanding field of Cultural Legal Studies, however, there has been a surge in scholarship examining the performative aspects of law and its connections to theatre. In the 2015 essay collection *Cultural Legal Studies: Law’s Popular Cultures and the Metamorphosis of Law*, editors Cassandra Sharp and Marett Leiboff highlight how popular cultural expressions of law – through storytelling, film, and media – can shape public perceptions of legality and serve as critical inquiries into the law itself. Yet, much of this analysis focuses on how theatre can be applied to legal practices rather than how theatre critiques or reflects legal practices, often centering on the performative aspects of legal processes rather than traditional theatrical works.

In the Australian context, legal scholar Marett Leiboff’s 2019 book *Towards a Theatrical Jurisprudence* applies theatre theory to legal interpretation and jurisprudence, aiming to reconceive law as a practice of responsiveness and responsibility. The scholarship focus on the “theatricality of law” explores how legal practices adopt performative elements to reinforce law’s authority and legitimacy (Rogers 2008, Stone Peters 2008, Balkin and Levinson 1999, Balkin 2003; Ramshaw 2010). Similarly, Alan Read’s 2015 monograph *Theatre and Law* provides an account of the intricate relationships between legal processes and performances, establishing how law itself functions as a performative mode of practice. However, much of this scholarship overlooks how theatre directly engages with legal themes. In contrast to the scholarship on law and film, much of the work on theatre and law highlights the performative nature of law without thoroughly exploring how theatre critiques, reflects, or reshapes legal principles through dramatic storytelling.

There are, of course, some notable exceptions, particularly within the British context. Gary Watt’s *Shakespeare’s Acts of Will: Law, Testament and Properties of*

Performance (2018) examines how Shakespeare's plays engage with legal principles and courtroom dynamics, using drama to critique the legal issues of early modern England. Watt demonstrates that these plays actively participate in legal debates, challenging notions of justice and authority. Similarly, Ian Ward's most recent *Law and Modern British Drama* (2022) explores how modern plays address legal and societal issues like terrorism, governance, and sexual violence, using theatre as a platform to interrogate legal norms and ethics.

These studies demonstrate how theatre engages with legal discourse, using the stage to reflect, critique, and reimagine justice. A prominent example of scholarship blending socio-legal studies with theatre and performance is Danish Sheikh's *Love and Reparation: A Theatrical Response to the Section 377 Litigation in India* (2021). As a playwright, activist lawyer, and legal researcher, Sheikh draws on court transcripts, affidavits (both real and imagined), archival research, and personal memoir to restage India's Section 377 litigation over the colonial-era anti-sodomy law. His work not only merges legal documentation with personal narrative but also demonstrates how activism directly influences legal decisions and shapes societal responses – a foundational argument for this study. Notably, Sheikh's research was cited by the Supreme Court of India in its landmark decision to decriminalize homosexuality, highlighting its impact on both legislation and social outcomes.

As a comparative analysis of law and theatre within an Indigenous context, my study seeks to enrich the field of theatre and law by examining how legal narratives are constructed, contested, and reimaged on stage, emphasizing the importance of diverse voices in reshaping cultural and legal conversations. My study specifically addresses a significant gap in scholarship by providing a closer examination of how playwrights use the stage to critique legal concepts and engage with the implications of these interactions between law and theatrical narratives. Through this approach, I aim to demonstrate how theatre operates as a powerful medium for exploring and questioning legal frameworks, providing fresh insights into justice, rights, and cultural identity within a legal-theatrical context.

1.4. Terms and Scope of the Research

This study focuses on case studies from the second decade of the twenty-first century, a period characterized by significant social and legal transformations that underscore the need for Indigenous voices in both national and global conversations. During this time, movements such as Idle No More, which began in 2012, and the protests at Standing Rock against the Dakota Access Pipeline became emblematic of broader struggles for Indigenous rights and environmental justice. These movements, driven by grassroots activism, emphasized the interconnectedness of Indigenous well-being with the protection of lands and waters. Indigenous women played a central role in these movements, their leadership underscoring the gendered dimensions of settler-colonial oppression. Their activism demonstrated how the fight for environmental justice is deeply intertwined with the preservation of cultural identity and community resilience.

Simultaneously, this period saw significant legal developments in both the United States and Canada, aimed at addressing historical and contemporary injustices faced by Indigenous communities. The Tribal Law and Order Act of 2010 in the United States sought to enhance the capacity of tribal justice systems, while Canada's Truth and Reconciliation Commission report of 2015 focused national attention on the ongoing legacy of residential schools and the need for meaningful reconciliation. The 2019 publication of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls in Canada marked a critical recognition of the systemic violence faced by Indigenous women. Despite these legislative initiatives, they revealed the inherent limitations of colonial legal systems in fully addressing the specific vulnerabilities and needs of Indigenous women. Often, the intended outcomes of justice and recognition were undermined by a disconnect between the legal frameworks and the lived realities of those they aimed to serve.

Within this socio-political context, Indigenous women playwrights emerged as vital voices, using theatre to interrogate the historical and ongoing impact of colonial legal practices. Their works not only critique the systemic marginalization of Indigenous women but also offer alternative visions of justice grounded in Indigenous legal traditions. By situating Indigenous women's theatre within the fourth wave of Indigenous theatrical production, this study highlights how these playwrights use their

craft to resist colonial narratives, reclaim cultural authority, and advocate for justice and sovereignty through storytelling. Their contributions are not just artistic but serve as a crucial part of broader Indigenous struggles for decolonization and self-determination.

In this study, I frame the production of contemporary Indigenous women playwrights within the framework of Indigenous theatrical production on Turtle Island, as outlined by theatre scholar and practitioner Lindsay Lachance (Anishinaabe). Lachance identifies four waves of Indigenous theatre, each representing different dynamics of representation and control over Indigenous narratives (13). While the first two waves, beginning in the 1800s and continuing into the twentieth century, were dominated by settler playwrights, performers, and scholars who frequently appropriated and distorted Indigenous realities, presenting them in ways that served settler interests, reinforced colonial perspectives, and often focused on victimization and exoticized depictions of Indigenous peoples, the third wave, emerging in the 1960s and 70s in response to political movements such as the Red Power Movement, saw a crucial shift where Indigenous playwrights and actors began to reclaim their narratives and exercise greater control over their representation (29). This wave emphasized cultural resurgence and self-determination, challenging the colonial frameworks that had dominated previous representations. Collectives like Spiderwoman Theater, led by Muriel Miguel, played a pivotal role during this period, using feminist and Indigenous perspectives to actively resist colonialism and reclaim Indigenous voices.

In the fourth wave, Indigenous theatre practitioners and playwrights participate and critically reflect on Indigenous creative practices, establishing and expanding Indigenous theatre as a distinct and evolving field of study. Drawing on Lindsay Lachance's framework, I position the work of Indigenous women playwrights from Turtle Island as integral to this fourth wave. However, I argue that their contributions extend far beyond the realm of theatre, as they engage in community activism, legal advocacy, and cultural revitalization, such as the preservation of Indigenous languages. Together, these efforts form a comprehensive Indigenous feminist project that uses theatre alongside their other work as powerful tools for social and political change.

Mary Kathryn Nagle, a Cherokee playwright and lawyer, strategically blends storytelling with legal advocacy to transform public perceptions of Indigenous issues.

By combining her legal expertise with playwriting, Nagle advances Native people rights. Her work includes drafting and filing numerous briefs in the United States Supreme Court, where she articulates the connection between preserving tribal sovereignty and ensuring the safety of Native women and children. Additionally, she has supported activist protests against Supreme Court rulings that threaten Indigenous rights and is a frequent speaker at law schools, sharing her extensive legal scholarship on Native American rights. Nagle's dual engagement in law and theatre illustrates how these fields can intersect to drive social change and deepen understanding of the legal and cultural challenges facing Indigenous communities.

Similarly, Yvette Nolan's contributions as a theatre director and former artistic director of Native Earth Performing Arts, Canada's oldest professional Indigenous theatre company, emphasize the inherently political nature of Indigenous identity. Her theatre practice focuses on fostering a sense of community among both Indigenous and non-Indigenous practitioners, underscoring that simply being an Indigenous woman and refusing to be silenced is an act of resistance. Nolan's scholarship further elevates Indigenous theatre, as seen in her edited volume *Performing Indigeneity*, the first collection of Indigenous theatre criticism composed entirely by Indigenous artists and scholars. Her book *Medicine Shows: Indigenous Performance Culture* delves into the ways Indigenous theatre practitioners reclaim creative and spiritual practices, articulating culturally specific worldviews that challenge colonial narratives.

Beth Piatote, a scholar, writer, and activist, also embodies this multifaceted approach. Her work spans Native American/Indigenous literature, law, and language revitalization, with a focus on the Nez Perce language. As the chair of the Designated Emphasis in Indigenous Language Revitalization at the University of California-Berkeley—a program she helped create—Piatote has been instrumental in fostering environments that support the resurgence of Indigenous languages. Her scholarship frequently explores the intersection of Indigenous literature and legal frameworks, highlighting how Native women's writing has consistently engaged with both Indigenous and settler-colonial legal systems. Through her creative work in fiction, poetry, and plays, Piatote uses storytelling as a vehicle for advocating justice and cultural survival. Her contributions underscore the vital role of language and narrative in sustaining Indigenous identity and advancing legal and cultural rights.

Together, Nagle, Nolan, and Piatote represent a generation of Indigenous women playwrights who playwrights the role of theatre and performance as complementary platforms that extend and strengthen Indigenous women's activism through critical engagement with legal and cultural discourses. Their creative and scholarly efforts, they redefine theatre as a powerful space for resistance, offering new frameworks for understanding justice and asserting the enduring presence of Indigenous voices in legal, cultural, and social discourses. as they engage with directly with the contemporary struggles of their communities against ongoing forms of dispossession and marginalization.

The plays explored in this study – *Sovereignty* by Mary Kathryn Nagle (Cherokee), *The Unplugging* by Yvette Nolan (Algonquin), and *Antikoni* by Beth Piatote (Nez Perce) – demonstrate a strong commitment to revealing how colonial law and legislation constrain Indigenous women's political, cultural, and social authority. I argue that these plays function as forms of counter-storytelling, a strategy that challenges biased representations and entrenched cultural narratives that perpetuate the marginalization of certain groups while legitimizing others. Through this approach, the plays offer empowering, inclusive, and self-authored narratives that reflect the perspectives of the Indigenous communities they represent. This strategy stops the disrupting dominant narratives and challenging the incomplete portrayal of Indigenous women's identities often found in legal texts. At the same time, these works emphasize the crucial role of gender identity in community empowerment and decolonization. A central focus of this dissertation is exploring how these stories can be told in ways that clearly convey their impact on the lives of Indigenous women, advocating for a deeper understanding of their experiences and struggles.

This dissertation focuses on how the stories these playwrights tell highlight their impact on the lives of Indigenous women, advocating for a deeper understanding of their experiences and struggles. These playwrights emphasize the need to address legal practices that have devalued Indigenous women, which has led to their political marginalization and cultural disposability. Their works continue Indigenous resistance, directly confronting the challenges of dispossession and advocating for self-determination amidst ongoing colonial pressures.

Through their plays, the playwrights actively engage in “performative counter-storytelling,” a narrative form that critiques dominant narratives and offers alternative ways of knowing and relating to the world. Performative counter-storytelling involves the use of narrative and performance to challenge dominant discourses, reveal hidden truths, and promote social change (Maxwell and Sonn 48). This storytelling approach fosters dialogue, challenges reductive representations, and envisions decolonized futures.

1.5. Methodology

1.5.1. Positionality Statement

In this study, I acknowledge my position as a non-Indigenous, mixed-race European scholar, shaped by academic traditions grounded in Western frameworks. My upbringing and education have afforded me certain privileges and have also shaped my understanding, creating a distance from the lived realities of Indigenous communities in the United States and Canada. Recognizing this distance, I approach my work with humility, a commitment to continual self-reflection, and a focus on learning. I acknowledge that my understanding of the systemic challenges faced by Indigenous communities is informed primarily by research and dialogue, rather than lived experience.

My aim is to support Indigenous activists and scholars in their efforts toward decolonization and justice. This dissertation is a manifestation of that commitment, seeking to amplify Indigenous voices rather than speaking for them. The analysis presented here is distinctly my own and does not claim to represent the perspectives of any specific Indigenous group. Instead, it engages with the stories told by Indigenous playwrights on stage. As Anishinaabe legal scholar Lindsay Borrows notes, Indigenous stories invite us into “different worlds,” allowing listeners to act as co-interpreters of the narrative (Borrows, x). My focus is on understanding how storytelling and theatrical performance can function as methods for teaching and exploring legal concepts within Indigenous frameworks – not as fixed definitions of law but as dynamic interpretations that shape community interactions and obligations.

1.5.2. Interdisciplinary Approach and Two-Eyed Seeing

I employ an interdisciplinary approach grounded in the “Two-Eyed Seeing” methodology, a concept introduced by Mi’kmaw Elder Albert Marshall of the Eskasoni First Nation. This approach emphasizes “seeing from one eye with the strengths of Indigenous ways of knowing, and from the other eye with the strengths of Western ways of knowing, and using both eyes together” (Bartlett, Marshall, M., and Marshall, A. 1). Through this framework, I respect the roots of the plays in Indigenous knowledge systems while using Western theoretical tools to critique colonial frameworks. This dual perspective helps illuminate the resilience of Indigenous cultural practices and their significance in contemporary struggles for justice.

1.5.3. Indigenous Feminist Literary Criticism

My methodology draws on Indigenous feminist theory, which emphasizes the power of storytelling as a means of reclaiming agency for Indigenous women and addressing the gendered violence perpetuated by colonial legal systems (Suzack et al., *Indigenous Feminisms*). This framework provides a lens for understanding how stories challenge and reshape the legal narratives that influence social realities (Delgado 2413). By integrating Indigenous feminist thought with critical race analysis, I highlight how these perspectives reveal the ways legal systems impact Indigenous women while also demonstrating the capacity of storytelling to critique and resist those impacts.

This interdisciplinary foundation informs my “law and literature” methodology, which examines how literary and dramatic texts critique legal systems and practices. As Biet explains, these texts “comment on the social judicial phenomenon and on its practices, questioning the rules and the fictions of the law” (Biet 285). Theatre, in particular, serves as an ideal medium for this type of critique. It acts as a “place of encounter and experience,” fostering “embodied response and reaction” (Leiboff 36). For Indigenous playwrights, theatre extends traditional storytelling practices into the contemporary space, using performance to invite audiences to reflect, question, and challenge what they see on stage (Taylor 140; Sayet 18-22; Nolan 114; see also Stanlake 118). This creates a space where judgments become less about reaching definitive conclusions and more about exploring possibilities and contradictions.

Native storytelling practices, which involve active listening and “intellectual reasoning” (Napoleon and Friedland, “An Inside Job” 736), align closely with the dynamics of theatre. These practices have long served as a way to transmit knowledge across generations, making theatre an ideal vehicle for examining questions about law and legal practices. Through this medium, Indigenous playwrights engage in what I term “theatrical activism,” using the stage to critique legal decisions and their social implications. This approach not only critiques the law but also embraces the complexities and uncertainties inherent in legal interpretation, creating a more open and democratic space for dialogue and reflection (Biet 291). Cheryl Suzack’s literary analysis approach involves uses a reading practice rooted in intersectional analysis and Indigenous feminism, pairing legal cases with literary works to show how Indigenous women writers use storytelling as activism. Building on this, I conduct side-by-side readings of legal cases and plays to reveal how Indigenous women playwrights critique the gendered impacts of U.S. Federal Indian law and Canadian legal system. By focusing on these plays, my study emphasizes the power of storytelling to challenge colonial legal structures and advocate for social change.

The legal cases examined here demonstrate how colonial law “shapes the experiences of Indigenous peoples to a much greater degree than it does for any other minority group in Canada or the United States” (Suack, *Indigenous Women’s Writing*, 5), and how it contributes to the vulnerability of Indigenous women and children. *Dollar General v. Mississippi Band of Choctaw Indians* (2015) exemplifies the Supreme Court’s support for tribal sovereignty by upholding a decision that affirmed the jurisdiction of tribal courts over civil claims involving non-members. This ruling underscores the complex challenges Indigenous communities face in asserting their legal authority and protecting their most vulnerable members from external harm. Similarly, *Lavell and Bedard v. Canada* (1973) illustrates how colonial legal frameworks maintain patriarchal membership rules that have systematically marginalized Indigenous women, diminishing their rights and standing within their communities. In *Bonnichsen v. United States* (2004), the court’s rejection of Indigenous oral traditions weakened the crucial role of women in cultural and spiritual practices, especially in repatriation processes that depend on oral histories and community knowledge to validate claims to ancestral remains. My study addresses how storytelling

by Indigenous women playwrights can expose the impact of legal narratives on Indigenous communities and advance social change.

This study adopts a comparative transnational approach to analyzing law and literary texts, building on recent developments in Indigenous cultural studies to further the field's "transnational turn" (Huhndorf, *Mapping* 13). It responds to the call for a methodological framework that emphasizes a trans-Indigenous perspective, as opposed to a pan-Indigenous one, drawing on Chadwick Allen's trans-Indigenous methodology (xiv). As a study situated at the intersection of transnational law and theatre, it explores how these dynamics shape discourses and forms of recognition that define concepts within the nation-state. By focusing specifically on Indigenous women's writing, this study addresses both local and national concerns while broadening the discussion "beyond the tribal" (Huhndorf, *Mapping* 13). It illustrates how Indigenous women's activism through playwriting engages with international debates on gender justice.

1.5.4. Critique and Affirmation: Storytelling as Decolonization and Indigenization

Moreover, this study argues that these plays do not just critique colonial legal practices that have marginalized Indigenous women but also affirm Indigenous values through engagement with traditional stories. This dual focus is central to understanding how Indigenous playwrights both resist colonial frameworks and revive cultural traditions. This dissertation explores storytelling as a method for decolonization and indigenization, guided by the insights of Linda Tuhiwai Smith. Smith emphasizes the transformative power of storytelling, highlighting how it allows Indigenous peoples to reclaim their narratives and reshape historical understandings, ultimately offering a means to challenge colonial narratives while affirming cultural continuity (Smith, 144-145).

Through this lens, I analyze how Indigenous women playwrights use traditional storytelling methods to convey deeply rooted legal and cultural values. By re-engaging with traditional stories, these plays create spaces where Indigenous law and cultural frameworks are not only remembered but actively revitalized, offering alternative visions for community well-being and justice.

1.5.5. Storytelling as Decolonial Practice

Storytelling serves as a central methodology in this study, functioning as both a theoretical lens and an analytical tool. It draws on Linda Tuhiwai Smith's insights into the decolonizing power of narrative. According to Smith, decolonization involves disconnecting settler society from its colonial roots while recentralizing Indigenous traditions (Smith 146). Through storytelling, Indigenous communities reclaim their histories and reassert their legal and cultural values, making it a powerful tool for resisting erasure and asserting cultural continuity.

This analysis offers a decolonial reading of Indigenous plays, demonstrating that these works do more than critique colonial law, they actively assert sovereignty by "re-membering" Indigenous legal values and governance systems. Here, "re-membering" refers to the process of reassembling and revitalizing fragmented cultural and legal traditions. By presenting alternative visions of justice, these playwrights enact the Indigenous feminist concept of "radical relationality" which emphasizes actions rooted in interdependency, reciprocity, equality, and responsibility (Yazzie and Rising Baldy 2). This approach highlights the crucial role of Indigenous women in community empowerment, positioning them as key figures in articulating tribal sovereignty.

My use of the term "re-membering" draws on Tuck and Yang's article, "What Justice Wants," where they assert that "demands for justice re-member; they are a kind of ghosting that refuses to forget abduction, violation, displacement, dispossession, and death. They also re-member the fragmented social body back together as life that matters in ways beyond the ontological cages of pained plaintiff or object in need of subjection" (7, emphasis mine). As Tuck and Yang note, "demands for justice re-member" (7), suggesting that justice involves both a remembrance and a refusal to accept settler-defined narratives of law. In this study, this concept of re-membering becomes central to understanding how Indigenous playwrights reclaim cultural narratives. *Sovereignty*, in this context, reflects the process by which Indigenous communities "reject state-administered justice and instead assert sovereignty over their selves, communities, lands, and cultural practices" (Tuck and Yang 7). This decolonial approach transcends notions of justice framed by colonial narratives, engaging instead with the cultural memory of Indigenous communal legal values.

This study also engages with Sto:lo Jo-ann Archibald's *Indigenous Storywork* (2008), which emphasizes storytelling as pedagogy and as an iterative process of listening to a story over and over again in order for listeners to gain an increasing understanding of a concept (116). Archibald's framework is particularly relevant to the analysis of Indigenous women's theatre. The live, dynamic nature of theatre, much like Indigenous storytelling, invites audiences to interact with and re-interpret stories over multiple performances, allowing for the emergence of fresh perspectives and insights with each viewing or listening experience. This returning to the story over time illustrates what Archibald considers vital to Indigenous education: understanding that these narratives are fluid and adaptive, providing ongoing opportunities for reflection and growth. In this way, the aim is not to derive a single, conclusive interpretation from a story but to engage with it in a relational and reflective manner, uncovering new meanings each time. This iterative process challenges the notion of a fixed understanding and highlights storytelling as an educational practice that connects ancestral knowledge to the present. Through these continued encounters, storytelling becomes an act of re-membering – a process of weaving together diverse histories and experiences into a unified narrative that upholds cultural continuity.

Moreover, Archibald's emphasis on collective witnessing aligns closely with the communal nature of theater. In Indigenous traditions, storytelling involves discussion and reflection within a community, and theater offers a space where stories are witnessed collectively, inviting audiences to engage deeply with their themes. Indigenous women's theater not only reclaims stories but also invites communal participation, making the process of re-membering a shared, living experience. This communal reckoning fosters a deeper understanding of the values embedded in the narrative, positioning the audience as an integral part of the story's unfolding.

1.5.6. Tribalography, Rhetorical Sovereignty, and Legal Revitalization

Choctaw scholar LeAnne Howe introduced the concept of tribalography to capture the complexity of Native storytelling, particularly its capacity to bridge cultural and historical divides. According to Howe, Native writers craft stories that are not strictly autobiographical or fictional; instead, their narratives intertwine the past, present, and future, weaving them into a cohesive whole ("The Story" 42). This storytelling method

emphasizes “unending connections to past, present, and future” (qtd. in Romero 14), and serves as a tool for constructing reality through narrative. Howe identifies two key objectives of tribalogy: integrating oral traditions, histories, and experiences into narratives and expanding Indigenous identities (46).

Channette Romero builds on this idea, noting that much of the scholarly focus on tribalogy has highlighted its role in preserving oral traditions, while often overlooking its power to create and expand both individual and collective identities (13). This broader view of tribalogy situates Native experiences—both contemporary and historical—within a larger framework that includes interactions with other communities. Howe emphasizes that “tribalogy is a story that links Indians and non-Indians” (46), making it a valuable approach for fostering dialogue and understanding between Native and non-Native audiences.

In this dissertation, I use the framework of tribalogy to analyze how Indigenous women’s plays engage with storytelling as a means of preserving cultural heritage and asserting sovereignty. I argue that these plays affirm Scott Richard Lyons’s concept of rhetorical sovereignty, which he defines as “the inherent right and ability of peoples to determine their own communicative needs and desires in this pursuit [for self-determination], to decide for themselves the goals, modes, styles, and languages of public discourse” (459-50). Lyons’s concept emphasizes that Native nations understand sovereignty not just as political recognition or independence, as European American traditions might, but as a collective right rooted in the cultural continuity of a “nation-people” (454).

Tribalogy plays a crucial role in this process. It enables Indigenous women playwrights to blend oral traditions, historical memory, and contemporary experiences into their stories. This approach allows them to reclaim control over their representation and to challenge the dominant colonial discourse that often marginalizes Indigenous voices. In doing so, these playwrights embody rhetorical sovereignty by publicly performing Indigenous narratives that reflect their communities’ own communicative needs and desires. Their stories assert the right to define their histories, values, and identities on their own terms.

These narratives do more than critique prevailing legal and societal frameworks—such as those that “alter community values and knowledge systems in ways that facilitate the political disempowerment of Indigenous women” (Suzack, *Indigenous Women’s Writing* 9). They also revive and reinforce Indigenous values related to community, language, and kinship, highlighting their continued relevance in addressing issues often overlooked or misrepresented in legal and social discourses. Through this process, the plays affirm the right to self-definition, challenging and resisting externally imposed definitions of Indigenous identity.

Additionally, I draw upon the work of Val Napoleon and the Indigenous Law Research Unit (ILRU) to illustrate how the traditional stories staged in these plays function as intellectual resources in Indigenous legal traditions. Val Napoleon and Hadley Friedland assert that stories in Indigenous societies are regarded as “intellectual resources for reasoning and reflection.” Through this lens, I explore how Indigenous women’s plays utilize storytelling to transmit legal values, particularly those related to women’s roles in community well-being and cultural continuity. As Napoleon notes, stories—much like Western legal cases—offer narratives about past events that guide future decisions. Creation stories, for example, serve as foundational precedents within Indigenous legal systems, providing principles that endure across generations.

The theater’s role as a space of encounter amplifies tribalography’s potential to engage non-Native audiences. Through plays that provoke reflection, the narrative journey ultimately moves toward “understanding and enlightenment”—a “sacred third act” (Howe, “Tribalography” 117). This makes theater an ideal medium for the transformative power of tribalography, where Indigenous stories can challenge and reshape the perceptions of diverse audiences. By blending the methodologies of tribalography and the analysis of stories as legal resources, I demonstrate how Indigenous women’s plays serve as dynamic platforms for transmitting cultural and legal values, creating connections between Indigenous and non-Indigenous worlds through a shared engagement with storytelling.

1.5.7. Storytelling as a Path to Justice

By integrating Indigenous perspectives and values, this methodology challenges the dominance of colonial legal narratives and highlights the significance of storytelling,

oral traditions, and community-based justice. It positions contemporary women's theater as a vital medium for critiquing and reimagining legal frameworks. This study demonstrates how Indigenous drama reveals the inadequacies of colonial law in addressing the lived experiences of Indigenous communities, while offering what Beth Piatote calls "the subtle pulse of Indigenous law" that represents a "constant backdrop" in the literary works of Indigenous women writers, reflecting Indigenous legal principles and practices that underlie their narratives ("Native Women's Writing 246). Through storytelling, these works construct legal counter-narratives that resist colonial structures and advocate for the revitalization of Indigenous legal systems. The emphasis on re-membering and communal witnessing becomes a method of cultural resilience and a means of envisioning alternative frameworks for justice.

1.6. Overview of the Chapters

This dissertation is divided into three chapters, each focusing on a specific play that is analyzed in relation to a legal case. Analyzing the plays alongside relevant legal cases and judicial decisions, this study demonstrates how these works respond to the social consequences of legal rulings and hold the law accountable for the detrimental impacts on Indigenous peoples, particularly Indigenous women. The analysis highlights how these playwrights engage in Indigenous feminist activism, emphasizing the importance of Indigenous women's roles, knowledge, and agency as fundamental to the cultural continuity and well-being of their communities.

The first chapter examines how Mary Kathryn Nagle's 2018 play *Sovereignty* engages with the issues raised by the U.S. Supreme Court decision in *Dollar General v. Mississippi Band of Choctaw Indians* (2016), which questioned the Choctaw tribal court's jurisdiction over a civil case involving the alleged sexual assault of a Choctaw minor by a non-Native store manager. This case highlighted the jurisdictional conflicts rooted in colonial law that leave Indigenous children and women vulnerable. In *Sovereignty*, Nagle critiques the erosion of tribal jurisdiction and its gendered impacts, challenging colonial and patriarchal narratives through "radical relationality" (Yazzie and Rising Baldy 2). The play connects past and present, showing how historical traumas shape current struggles. Through the character of Sarah Ridge Polson, an Indigenous lawyer and activist, Nagle underscores the link between tribal sovereignty and gender empowerment, emphasizing the role of Indigenous women as cultural

custodians. Nagle's intergenerational storytelling and focus on matrilineal traditions highlight the resilience of Cherokee culture, offering a vision of decolonization and self-determination that resists colonial frameworks.

The second chapter examines how Yvette Nolan's 2012 play, *The Unplugging*, engages with the gender politics central to the *Lavell-Bédard* case (1974) – a legal decision that upheld the Indian Act's provisions, which stripped Indigenous women who married non-members, and their children, of tribal membership. Nolan's play centers on two older Indigenous women, exiled from their community, who rely on traditional knowledge to survive in a post-apocalyptic world where electricity no longer exists. This chapter demonstrates that, through her narrative, characters, and the actions within the play, Nolan presents an alternative vision of gender empowerment in the context of decolonization, advocating for a future in which Indigenous women's leadership is crucial to social transformation and the revitalization of cultural practices.

Chapter three examines how Beth Piatote's play *Antíkoni* (2019) critiques the dismissal of Indigenous knowledge systems in the *Bonnichsen et al. v. United States* case (2004), which debated whether the remains of the Kennewick Man should be returned to Native tribes. Scientists, led by Robson Bonnichsen, opposed repatriation, leading to a legal ruling that favored Western scientific frameworks over Indigenous oral traditions, thereby restricting the interpretation of the Native American Graves Protection and Repatriation Act (NAGPRA). The chapter demonstrates how *Antíkoni* responds to the court's dismissal of oral traditions and Native epistemologies by re-centering Indigenous women's political agency in decolonization efforts. The play achieves this by imbuing the character of Antíkoni with political agency and rhetorical sovereignty—qualities reminiscent of the storytelling and commentary of the Aunties in the narrative. By reimagining Antigone as a young Cayuse woman engaged in the politics of burial, kinship, and sovereignty, the play offers a decolonial alternative encapsulated in the concept of “rematriation” – an Indigenous feminist praxis of recovery, return, and sociopolitical resurgence (Gray 1). This concept emphasizes a return to cultural roots and the reclamation of traditional practices and responsibilities, challenging colonial frameworks that prioritize individual ownership over communal rights.

Together, these plays critique the limitations of colonial legal systems while proposing alternative visions of decolonization that prioritize the knowledge, agency, and leadership of Indigenous women. By centering Indigenous women's experiences and intergenerational knowledge, these plays enact an Indigenous feminist social justice project that challenges the marginalization of Indigenous voices and highlights the enduring strength of cultural traditions.

2. Colonial Law and Gendered Violence: *Dollar General v. Mississippi Band of Choctaw* and Mary Kathryn Nagle's *Sovereignty*

Mary Kathryn Nagle's theatre exemplifies how contemporary Indigenous women playwrights use storytelling to address social and gender justice concerns. As a Cherokee lawyer and one of the most prominent Indigenous playwrights in the U.S., Nagle's social justice activism directly confronts the ongoing challenges Indigenous nations face in asserting sovereignty and securing rights. Her plays, deeply rooted in the complexities of federal and tribal law, expose the enduring consequences of colonial legal practices on Indigenous communities and, more specifically, on Indigenous women. Nagle's work in both theatre and law embodies the central theme of this dissertation: contemporary Indigenous women playwrights' commitment to storytelling as a form of social and political activism. Her plays engage in Indigenous feminist practice by challenging patriarchal, colonial legal narratives that have historically erased Indigenous women's social and political marginalization. Nagle employs storytelling to highlight the failures of colonial legal systems in addressing gender-based injustices and advocates for critical reforms to existing laws. She offers alternative visions of justice that center Indigenous women's socio-political and cultural agency, demonstrating that tribal sovereignty and gender empowerment are not separate but interconnected forces essential to community decolonization and broader social justice goals (Suzack, *Indigenous Women's Writing* 13).

This chapter focuses on Mary Kathryn Nagle's 2018 play *Sovereignty*, which examines how colonial legal practices have historically undermined Indigenous sovereignty and exacerbated violence against Indigenous women. The play highlights the relationship between federal Indian law, tribal sovereignty, and gendered violence, demonstrating how the erosion of Indigenous jurisdiction has allowed for the continued marginalization and exploitation of Indigenous women. Building on the critical work of Bachewana First Nation scholar Cheryl Suzack, I adopt an interdisciplinary approach that integrates critical race theory and Indigenous feminist criticism. This methodology enables an exploration of how Nagle's storytelling activism exposes the failures of

federal Indian law in meeting its obligations to tribal communities, especially regarding the safety of Indigenous women and children.

To carry out this analysis, I situate the play within a historical framework shaped by colonial law and legislation, analyzing it alongside the historical legal cases referenced in the play. First, I examine the relationship between colonial law and gendered violence by providing an overview of the Violence Against Women Act (VAWA), highlighting its potential and its shortcomings in addressing the crisis of Missing and Murdered Indigenous Women and Girls (MMIWG). Second, I explore how *Sovereignty* confronts the legacy of historical legal decisions that have eroded Cherokee Nation's sovereignty, starting with the Marshall Trilogy and culminating in the 1978 *Oliphant v. Suquamish Indian Tribe* decision, which severely limited tribal jurisdiction. Third, I examine *Sovereignty* in relation to the 2015 *Dollar General v. Mississippi Band of Choctaw Indians*, a law case involving the sexual assault of an Indigenous teenager on tribal land.

Dollar General represents a prime example of the U.S. government's continuous attempts to restrict tribal authority to prosecute non-Native perpetrators on Native lands, with grave consequences for the safety of Indigenous women and children. Despite Dollar General's contractual ties to the tribe, the company argued that the tribal court lacked jurisdiction, and the case reached the Supreme Court. Mary Kathryn Nagle, together with Muskogee attorney and legal scholar Sarah Deer, filed an amicus brief on behalf of the plaintiff, warning of the harmful consequences a decision in favor of Dollar General would have on Native victims of sexual abuse. Thus, I analyze *Sovereignty* as both a response to the case and an extension of Nagle's legal advocacy for the right of Indigenous communities to guarantee the safety of their members on their lands. Finally, I offer a decolonial reading of the play, showing how it not only critiques colonial law but also asserts sovereignty by "re-membering" Cherokee legal values and matrilineal clan systems. By offering an alternative vision of justice, Nagle challenges mainstream colonial narratives and enacts the Indigenous feminist concept of "radical relationality" (Yazzie and Rising Baldy 2). This approach, which describes Indigenous feminist actions rooted in interdependency, reciprocity, equality, and responsibility, points out the role of Indigenous women as crucial to community empowerment, positioning them as key figures in articulating tribal sovereignty.

2.1. Historical Frameworks of Native American Sovereignty and Justice

2.1.1. Violence Against Women Act and The Missing and Murdered Indigenous Women

On March 7, 2013, the U.S. Congress reauthorized the Violence Against Women Act (VAWA) with the addition of a new provision that empowered “participating Tribes” with “special domestic violence criminal jurisdiction” authorizing them to prosecute specific acts of domestic violence, dating violence, and violations of certain protection orders on tribal lands, regardless of the perpetrator's Native¹ or non-Native status (*Violence Against Women Act 2013*). A “comprehensive federal law addressing violence through a multifaceted approach that includes funding, programming, and criminal justice system reform” (Deer *The Beginning* 129), the Act was initially passed in 1994 under President Bill Clinton and reapproved in 2000 and again in 2005. However, the process leading to the 2013 reauthorization proved contentious.² In 2012, when a bill to update VAWA that included the new provision aimed at protecting Native women, immigrants, and the LGBTQ community was introduced, it encountered resistance from some Republican congressmen (Deer, *The Beginning* 131). Their primary concern was the extension of criminal jurisdiction to tribal governments. Senator Charles E. Grassley of Iowa, the top Republican on the Senate Judiciary Committee, argued that tribal juries, which are predominantly composed of Indigenous members, might not ensure a fair trial for non-Native defendants due to potential biases.

This opposition faced substantial criticism from both Indigenous community members, activists, and writers. Notably, Pulitzer Prize-winning writer Louise Erdrich (Turtle

¹ I use the terms American Indian, Indian, Native American, Indigenous, or Native interchangeably, and I employ the specific name of the tribe wherever possible.

² It is important to mention that at the time of writing this chapter, President Joe Biden has signed the Violence Against Women Reauthorization Act of 2022, which expanded the provisions included in the 2013 VAWA reauthorization. Employing the term “special Tribal criminal jurisdiction” (STCJ), the Act includes “additional categories of criminal conduct that can be prosecuted by tribes against non-Indians - sexual violence, stalking, sex trafficking, child violence, obstruction of justice, and assaults against tribal law enforcement officers. Further, non-Native defendants no longer are required to have ties to the tribal community”. <http://www.tribal-institute.org/lists/VAWA2022.htm> (last accessed July 2024). However, as Ashleigh Lussenden notes in her article “Reimagining the Violence Against Women Act for Tribes in 2022”, the legislation still presents significant obstacles for tribes in preventing and responding to sexual violence on their lands. Tribal courts derive their power from Congress, and the proposed solutions are limited by the jurisdictional complexities created by federal policies. Additionally, the legislation does not support the development of tribal justice systems that reflect cultural and community values or derive their legitimacy from tribal sovereignty. It also lacks provisions for a compromise where tribes could relinquish some control while retaining autonomy over sentencing or the application of traditional justice practices (160).

Mountain Band of Chippewa) published an op-ed in the *New York Times*, addressing the Republican Party's opposition to the reauthorization of VAWA. In her piece, Erdrich highlighted that Republican Congressmen's stance perpetuates the misguided notion that Native people cannot be "impartial jurists". "Tribal courts and lawyers", Erdrich remarks, "know that they are being watched closely and must defend their hard-won jurisdiction. Our courts and lawyers cherish every tool given by Congress. Nobody wants to blow it by convicting a non-Indian without overwhelming, unshakable evidence" (Erdrich, "Rape", n.p.). Most importantly, with her intervention in one of the longest-running and most widely read newspapers in the U.S., Erdrich drew national attention to the human rights crisis known as the Missing and Murdered Indigenous Women and Girls (MMIWG) and to the intertwined issues of sexual violence, jurisdiction, and sovereignty that she addressed in her celebrated 2012 novel *The Round House*. The Missing and Murdered Indigenous Women and Girls crisis impacts Native communities across the United States and Canada. Indeed, the rates of violence against Indigenous women have reached unprecedented levels on tribal lands and Alaska Native villages. According to the Indian Law Resource Center, over 80% of Indigenous women have experienced some form of violence, and more than 50% have suffered sexual violence. Indigenous women are murdered at rates more than ten times the national average.³ The high number of missing and murdered Indigenous women, coupled with the inadequate federal response to the crimes, is a significant concern for tribal governments, and their communities. Louise Erdrich's words in the New York Times Op-Ed represented an appeal to the United States Congress and the Justice Department to approve VAWA's 2013 tribal jurisdiction provision that aims to restore tribal jurisdiction to protect Native women and children from violence perpetrated by non-Natives. The new provision also meant to reconsider the restrictions imposed by one of the most significant American Indian rights decisions of the twentieth century, the 1978 landmark Supreme Court case *Oliphant v. Suquamish Indian Tribe*. Considered the "most dangerous and damaging contemporary intrusion on tribal justice systems (Deer, "Federal Indian Law and Violent Crime" 22), this decision declared that Native American tribes lack criminal jurisdiction over non-Natives who commit crimes on their

³<https://indianlaw.org/issue/ending-violence-against-native-women> (Indian Law Resource Center, "Ending Violence Against Native Women"), last accessed October 2024.

lands, even when those crimes are committed against tribal members (*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 210).

2.1.2. Tribal Jurisdiction and Violence Against Indigenous Women: *Oliphant v. Suquamish* (1978) and the Violence Against Women Act (VAWA).

The Supreme Court decision in *Oliphant* has had severe consequences on tribal communities, since first, it renders tribal lands places in which “non-Native sexual predators, drug manufacturers, pimps, and other violent people are attracted to Indian country as they perceive it as a location in which crimes can be committed with impunity” (Deer, *The Beginning* 67) and contributing to the vulnerability of Indigenous peoples, particularly Indigenous women and children. Second, it worsens the situation of Indigenous women victims of domestic assault and sexual violence by preventing tribal courts from trying non-Native offenders or pursuing them beyond tribal boundaries. Amnesty International’s *Maze of Injustice* (20017) report highlights that: “Three main factors determine where jurisdictional authority lies: whether the victim is a member of a federally recognized Indian tribe or not; whether the accused is a member of a federally recognized Indian tribe or not; and whether the alleged offense took place on tribal land or not (27). The answers to these questions determine whether “a crime should be investigated by tribal, federal or state police, whether it should be prosecuted by a tribal prosecutor, a state prosecutor (District Attorney) or a federal prosecutor (US Attorney) and whether it should be tried at tribal, state or federal level” (*Maze* 27). The overlapping legal jurisdictions cause delays and confusion and worsen the situation for Indigenous women who are victims of domestic or sexual violence. The necessity to establish the appropriate authority before investigations prolongs their suffering, as it leaves them without adequate legal protection and results in impunity for the perpetrators (Suzack, *Indigenous Women’s Writing* 80).

The 2013 reauthorization of the Violence Against Women Act has been regarded as a “partial *Oliphant* fix” because it modifies the legal rule established in 1978 allowing tribes to prosecute non-Indians for specific domestic crimes, but only if the offenders have significant ties to the tribe, namely “those who reside in the Indian country of the prosecuting tribe, are employed in the Indian country of the prosecuting tribe, or are either the spouse or intimate partner of a member of the prosecuting tribe” (Deer *The*

Beginning 133). Its provisions are limited, applying only to cases of domestic violence and only when the offender has significant ties to the reservation, such as through marriage or employment. Additionally, under the Indian Civil Rights Act of 1968 (ICRA), tribal courts can impose maximum penalties of three years' incarceration and a \$15,000 fine, even for serious crimes such as murder or rape. Consequently, tribal courts may refrain from prosecuting these serious offenses, fearing that imposing only a minor penalty would render the perpetrator immune from state or federal prosecution (Amnesty International, *Maze of Injustice* 29). The limitations on tribal jurisdiction over non-Natives highlight a broader issue deeply embedded in the history of federal Indian law—the pervasive narrative of tribal inferiority. This narrative, which portrays Native nations as incapable of exercising full legal authority, was solidified through Supreme Court decisions dating back to the nineteenth century. It continues to shape the U.S. government's relationship with Native Nations, influencing every aspect of their lives, from legal sovereignty to social and political autonomy.

2.1.3. The Legal Force of Supreme Court's Language of Racism from the Marshall Trilogy to the Present.

The narrative of tribal inferiority perpetuated in dominant U.S. legal and social discourses clearly emerged in the Republican Party's resistance to the 2013 reauthorization of the Violence Against Women Act (VAWA). The Republican congressmen's stance that portrays Tribal courts and judges as incapable of adequately applying the law perpetuates the long-standing belief that Native nations lack the legal and cultural competence to govern themselves. This narrative, originally formed to justify the conquest of land and the extermination of its original inhabitants, continues to influence contemporary legal decisions (Williams, *Like a Loaded Weapon* 148). Lumbee legal scholar Robert A. Williams argues that the long-established language of Native racial inferiority, legally sanctioned by judicial opinions on Indian rights since the Removal era, continues to influence the Supreme Court's decisions. He argues that “the continuing legal force of a long-established, deeply embedded, and widely dispersed language of racism directed at Indians can be found throughout the Supreme Court's Indian law decisions” (xxv). Williams offers a detailed analysis and critique of Chief Justice William Rehnquist's decision in *Oliphant*, demonstrating how in order to

justify the decision, Rehnquist cited and quoted “more than a dozen nineteenth-century Supreme Court precedents, executive branch policy statements, and congressional legislative enactments and reports” and that nearly every text consistently and unabashedly “stereotypes Indians as lawless, uncivilized, unsophisticated, hostile, or warlike savages” (xxiii). Notably, Rehnquist’s opinion directly cites the 1823 case of *Johnson v. McIntosh*, the case that incorporated into U.S. law the “doctrine of discovery”, a legal narrative that created the basis for land title in North America. Under this doctrine, “the sovereign discoverer could occupy land already occupied by infidels to extend their Christian sovereignty over the land and the Indigenous peoples who resided there” (Bubar and Jumper Thurman 73). In *Johnson*, Chief Justice John Marshall declared that although Native peoples “were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion,” “their power to dispose of the soil at their own will, to whomsoever they pleased, was denied” (*Oliphant* 209, quoting *Johnson v. M’Intosh* 8). Notably, at that particular moment in American history, Congress was engaged in implementing the 1830 Removal Act’s legislative plan for a “massive ethnic-cleansing campaign directed against the Cherokees and the other tribes of the southeastern United States” (Williams, *Like a Loaded Weapon* 100). Besides *Oliphant*, numerous federal laws and policies passed from the late nineteenth century onwards have created one of the most complicated jurisdictional frameworks in American law (Deer, “Federal Law and Violent Crime” 22).

The unifying characteristics of these legislative measures lie in their foundational policies of dependency and systematic assimilation, alongside their considerable infringement on Native sovereignty—an infringement that continues to affect Native communities to this day. Central to this legislation is a persistent narrative that questions the capacity of tribal governments to effectively manage serious matters of crime and punishment. This pervasive narrative of tribal inferiority, rooted in the language of “Indian savagery” from the nineteenth century, has shaped and continues to shape both legal and social discourses in the U.S. It manifests not only in legal rulings that limit Native sovereignty but also in the broader cultural portrayals of Indigenous peoples. This false narrative, purposefully constructed, has been reinforced through

mediums like theater, film, and popular culture, contributing to the erasure of Native voices and agency.

One of the most harmful expressions of this narrative is represented by “redface” performance, a stereotypical and dehumanizing portrayal of Native peoples, often performed by non-Natives in costumes that bear no resemblance to actual Indigenous cultures or histories. From the Andrew Jackson era of Indian removal to the boarding school era and beyond, this false portrayal has been systematically used to justify the oppression and marginalization of Native communities. “Redface” serves not just as entertainment but as a mechanism for spreading false, degrading stories about Indigenous peoples, stories that ignore their real struggles and survival in a country that has sought to eradicate them. This harmful representation has had a profound impact on how Native peoples, particularly Native women, are viewed in American society. As Mary Kathryn Nagle observes, the false narrative reducing Native women to sexual objects – perpetuated by American media, Hollywood, and costumes like “Pocahottie” or Disney’s Pocahontas – fuels high rates of violence by stripping them of respect, agency, and personhood (“A Revolution” 13). These portrayals reduce Indigenous women to caricatures, reinforcing a long-standing narrative that diminishes their humanity and feeds into the broader narrative of tribal inferiority. The false narrative of “Indian savagery” has pervaded every aspect of U.S. culture and law, and its impact on Native sovereignty and identity is profound. Indigenous peoples are not only fighting to restore the sovereignty of their tribal governments but also striving to reclaim the authenticity of their stories and the right to define their own identity. Nowhere is this struggle more vital than in the lives of Native women, who bear the brunt of this dehumanizing narrative in both cultural and legal realms.

The historical roots of this false narrative, as illustrated by the Supreme Court’s decision in *Oliphant*, trace back to nineteenth-century legal precedents that codified the subjugation of Native nations. Understanding the connection between *Oliphant* and these earlier rulings is essential for comprehending how colonization and federal Indian policies have shaped tribal cultures, often exacerbating conditions of violence and injustice. These legal frameworks have not only diminished Native sovereignty but have also perpetuated a cycle of violence, particularly against Native women, who remain the most vulnerable category under the federal legal system. As Jacqueline Agtuca notes,

the safety of women was and continues to be directly linked to the inherent authority of Native nations to utilize the power of government to protect their well-being. However, the arrival of Europeans marked a significant change for Native women. The ability of Tribal governments to protect their women was severely hampered by the restrictions on tribal sovereignty imposed by federal laws passed by the United States Congress and Supreme Court. Colonization, along with the destruction and dismantling of the governments of Native nations, was directly connected to the seizure of Indian lands and resources. This historical trajectory has created a legacy of weakened tribal authority and increased vulnerability, particularly for Native women (*Safety* 32).

2.1.4. Indigenous Women's Activism and the 2013 Reauthorization of VAWA

While the VAWA legislation faced delays due to Republican opposition, Native women started speaking out about the issue of non-Native offenders, consistently emphasizing the high incidence of interracial violence (Deer, *The Beginning* 130). Indigenous women activists traveled to Washington to share their personal survival stories, aiming to educate Congress on the urgent need for lifesaving amendments to the VAWA 2013 Safety for Indian Women Title. Indigenous women's activism has been central to the passage of provisions enhancing the safety of Native women in VAWA reauthorizations over the years. This grassroots tribal movement, led by American Indian and Alaska Native women, has grown to influence the original passage of VAWA in 1994 and its reauthorizations in 2000, 2005, and 2013. They have worked diligently in partnership with tribal leadership to inform Congress and advocate for reforms to federal law and policies aimed at increasing the safety of Native women (Agtuca, *Safety* 15). The continuous efforts of this grassroots movement are evident in the creation of the Task Force on Violence Against Women by the National Congress of American Indians in 2003, dedicated to enhancing the safety of Native women at the national policy level and which represented a tremendous step forward in the movement's ability to impact national policy and legislation (Agtuca *Safety* 24). The consistent efforts of these activist movements have led to significant legislative outcomes over the years. Notably, the creation of the Safety for Indian Women Title (Title IX) in the 2005 reauthorization of VAWA (*Violence Against Women and Department of Justice Reauthorization Act of 2005 – H.R. 3402*) and the passage of the Tribal Law and Order Act (TLOA) of 2010 are key achievements. The TLOA restored

the authority of Indian tribes to sentence offenders to more than a maximum of one year per crime and is arguably a precursor to the VAWA 2013 reauthorization (Olson 834). These legislations marked a pivotal shift in Congress's recognition of the seriousness of violence against Native women and its attempt to fulfill the federal responsibility for their safety (Agtuca, *Safety* 15).

After the passing of the Tribal Law and Order Act by the Obama-Biden administration in 2010, Native victim advocates and lobbyists united to address the violence disproportionately affecting Native Americans, particularly domestic violence and human trafficking. In 2010, the National Institute of Justice published a research report titled "Violence Against American Indian and Alaska Native Women and Men: Findings From the National Intimate Partner and Sexual Violence Survey," which highlighted the severe situation faced by Native women. Alongside these findings, the Amnesty International Report and U.S. government statistics revealed the gravity of the issue. Angela Riley notes in her article, "Crime and Governance in Indian Country," that the 2012 reauthorization of VAWA, which included tribal provisions, was significantly fueled by personal and disturbing stories of abuse from Indian country (1590). A significant turning point occurred in 2012 when Deborah Parker, Vice Chairwoman of the Tulalip Tribes, courageously shared her personal experience as a survivor of sexual violence during a press conference. Her powerful testimony resonated widely, quickly going viral and amassing thousands of views on YouTube. This public revelation sparked a wave of personal narratives from Native women, as survivors began to come forward with their own stories of violence and trauma (Deer, *The Beginning* 130). The surge in personal testimonies galvanized both activists and lobbyists, intensifying efforts to confront the epidemic of violence against Native women with renewed determination. This movement of grassroots activism, driven by the lived experiences of Indigenous women, became a crucial force in shaping national discussions around the issue. The voices of survivors played a central role in advocating for legislative reform, ensuring that the realities of violence within Native communities could no longer be ignored. Additionally, the National Task Force on Violence Against Women, which included Indigenous and non-Indigenous members, was instrumental in advancing these efforts. Their persistent advocacy helped secure the inclusion of critical provisions within the Violence Against Women Act (VAWA), ensuring that the unique

challenges faced by Native women were addressed in the legislation. Through a combination of survivor testimonies and grassroots advocacy, Indigenous women and their allies made significant strides in the fight for justice and protection under the law.

2.2. Mary Kathryn Nagle's Theatre as Indigenous Feminist Activism

2.2.1. Mary Kathryn Nagle's Activism and VAWA: *Sliver of a Full Moon* (2013)

Following the 2013 reauthorization of the Violence Against Women Act (VAWA), Cherokee attorney and playwright Mary Kathryn Nagle embarked on writing *Sliver of a Full Moon*, a powerful dramatization of the struggle behind VAWA's reauthorization. The play uniquely blends real testimonies from Native women, often delivered by the survivors themselves, with reenactments of critical discussions between Native activists and federal lawmakers during the revision process. Nagle's inspiration for the play emerged after a pivotal meeting with Wilson Pipestem (Otoe-Missouria), an attorney instrumental in the 2013 reauthorization of VAWA, and Brenda Toineeta Pipestem (Eastern Band of Cherokee), an Appellate Tribal Court Judge. During this meeting, held at the height of the contentious reauthorization process, the three discussed the importance of educating non-Native people about both the human aspect of the issue and the complexities of jurisdiction in federal Indian law. They stressed that a broader understanding of these issues was essential for building support for tribal provisions in the bill. It was during this conversation that Brenda Toineeta Pipestem suggested that Nagle write a play to raise awareness about the cause (Montiel 33).

Sliver of a Full Moon serves as a powerful testament to the Native women who courageously shared their stories of survival and to the grassroots efforts that propelled the reauthorization of VAWA. The play underscores the broader struggle of Indigenous women against the structures of settler colonialism and heteropatriarchy that pervade U.S. governmental policies. Nagle's work not only dramatizes the fight for the inclusion of tribal provisions in VAWA but also honors the collective resilience of Indigenous women in the face of systemic violence. The play premiered in 2013 at the National Indigenous Women's Resource Center's "Women Are Sacred" conference in Albuquerque. Its significance quickly resonated, and it was performed at several prominent venues, including the U.S. Capitol Visitor Center's Congressional Auditorium, the UN World Conference on Indigenous Peoples, and Yale Law School in

2015 (Pipestem 12). The Yale production, directed by Mohegan artist Madeline Sayet, was organized by Ned Blackhawk (Western Shoshone), Professor of History and American Studies, and Katie Jones (Cherokee), a Yale Law School student at the time. Jones remarked on the potential influence of the production, noting that Yale Law School graduates form a significant proportion of Supreme Court clerks and other federal clerks. This statement highlighted the broader implications of bringing the play to such a prestigious institution, where it could potentially shape future legal perspectives on Native issues (Darby, Stanlake, and Mohler 181). The title of the play draws on a statement by Lisa Brunner (Anishinaabe), a survivor of abuse who, upon the passage of VAWA in 2013, reflected on the limitations of the reauthorization:

We have always known non-Indians can come onto our lands and they can beat, rape, and murder us and there is nothing we can do about it.... Now, our tribal officers have jurisdiction for the first time to do something about certain crimes. But it is just the first *sliver* of the full moon that we need to protect ourselves" (VAWA 2013's Special Domestic Violence Criminal Jurisdiction (SDVCJ) Five-Year Report, emphasis mine).

The image of the "sliver of a full moon" serves as a reminder of the limitations of legal reforms that, while important, do not fully address the larger systemic issues. In fact, while the 2013 reauthorization of the Violence Against Women Act (VAWA) was a significant achievement, but it did not entirely reverse the jurisdictional restrictions imposed by the 1978 *Oliphant* decision, which stripped tribes of the ability to prosecute non-Natives for crimes committed on tribal lands. The metaphor refers to the fact that the reauthorization only restored a small part of what was lost – granting tribal authorities limited jurisdiction over certain domestic violence crimes committed by non-Indians. By invoking the image of a "sliver" of a full moon, the play's title effectively conveys the notion of an incomplete victory. The 2013 reauthorization of VAWA restores only a "sliver" of Native sovereignty, while its complete restoration remains elusive, with reforms like the 2013 passing of VAWA representing only a partial step toward that goal.

However, the play functions as both an artistic and political intervention, connecting law, activism, and performance to show the profound injustices faced by Native women.

By incorporating real testimonies and portraying the complex legal battles surrounding VAWA's reauthorization, *Sliver of a Full Moon* gives voice to the survivors of violence and advocates for broader tribal jurisdiction. It highlights the urgency of continuing the fight for Indigenous women's rights and sovereignty, acknowledging that the legal reforms achieved so far are just a fragment of the larger struggle for justice and self-determination.

As a work of documentary theatre, *Sliver of a Full Moon* derives its strength from its evolving nature, continuously incorporating new testimonies and voices of Indigenous women. In addition to this play, Nagle addresses the issue of violence against women in her 2018 play *Sovereignty*, where she moves beyond the documentary format, blending personal and political struggles to explore the complex dynamics of this issue.

2.2.2. Challenging the Legacy of Colonial Law: Asserting "Performative Sovereignty" through Counter-Storytelling in *Sovereignty* (2018)

Sovereignty addresses complex issues of justice, sovereignty, and sexual violence, spanning from the removal era to the twenty-first century, as illustrated by the ongoing Missing and Murdered Indigenous Women and Girls (MMIWG) crisis. *Sovereignty* exemplifies Mary Kathryn Nagle's activism as both a playwright and a lawyer dedicated to restoring Native sovereignty and jurisdiction. As a member of the Cherokee Nation, Nagle's work reflects her commitment to addressing historical injustices perpetrated by the Supreme Court against Native peoples. She is an associate attorney at Pipestem Law in Washington, D.C., a Native-owned law firm that represents Native governments and organizations, safeguarding the rights of Native peoples. She also serves as counsel to the National Indigenous Women's Resource Center and has filed numerous amicus briefs in federal courts on cases crucial to tribal jurisdiction and violence against Indigenous women. Furthermore, she is the founding executive director of Yale University's Indigenous Performing Arts Program. Her plays explore the interconnection between Native histories, rights issues, and legal colonial practices.

Nagle's work illustrates the long-established language of Native racial inferiority, legally sanctioned by judicial opinions on Indigenous rights since the Removal era, which continues to influence the Supreme Court's decisions. She argues that demeaning representations of Indigenous peoples in cultural contexts and on stage, particularly

through “redface” performance, were instrumental in enabling the colonial government to justify laws that perpetuated their oppression and displacement (“A Revolution” 9). Nagle asserts, “I’m doing work to restore the sovereignty and jurisdiction that the Supreme Court has taken away [from Native people]. You cannot do that work unless you change the narrative that allows the court to take it away” (qtd. in Wren, n.p.). In this context, Nagle’s commitment to storytelling in theatre serves as a powerful tool to challenge these entrenched narratives.

Legal scholar Richard Delgado highlights the racialized implications of legal texts, emphasizing that storytelling can offer alternative realities that support the struggle for racial reform (“Storytelling”, 2415). Starting from this insight, Delgado proposes a method that he calls “counter-storytelling” and argues that it is both a way of telling the story of those groups of people whose “voice and perspective - whose consciousness - has been suppressed, devalued, and abnormalized” and a tool for analyzing and challenging the stories of those in power and whose story is a natural part of the dominant discourse (“Storytelling” 2412). Moreover, as Delgado explains, counter-storytelling serves to challenge dominant narratives, particularly the prevailing legal narratives, which are often constructed from “a bundle of presuppositions, perceived wisdoms, and shared cultural understandings” that individuals from the dominant race bring to discussions of race (Delgado and Stefancic, “Critical Race Theory” 462). Community psychologists Christiana Maxwell and Christopher Sonn bring Delgado’s counter-storytelling to the analysis of theatrical performances by marginalized groups developing the notion of “performative counter-storytelling”, which they define as a “method of artistically communicating social justice issues” that can “open dialogue and discussion, present and celebrate alternative ways of knowing, challenge one-dimensional perspectives of relating to minority group members, and remember and archive the past while con-templating “counter-possibilities” for the future” (48).

In this chapter, I explore how *Sovereignty* exemplifies Indigenous feminist activism through performative counter-storytelling, a strategy that is concerned with challenging biased representations, or dominant cultural narratives which are uncontested, entrenched, and perpetuated through institutions and everyday interactions to legitimize some bodies and vilify others and replace them with alternatives that are empowering, inclusive, and self-authored by the communities that they represent, functioning as an

“aesthetic of interruption” (Baker et al.15) to the dominant narrative. In responding to the arguments raised in the *Dollar General* case, along with the precedents it cites, Nagle shapes a counter narrative that enacts decolonization and reframes the stage as a critical space for asserting Indigenous performative sovereignty and self-determination. Performative sovereignty, as described by the editors of the *Critical Companion to Native American and First Nations Theatre and Performance*, connects the act of making Native theatre to the enactment of Native presence, worldviews, and self-governance. They state: “Native artists make a bold, significant statement: Native theatre is performative sovereignty. This concept arises from continuing the vital role of the oral storyteller in Indigenous cultures, with every contemporary Native play telling a story about the renewal of Indigenous self-understanding that colonization vigorously worked to eradicate through violence, shame, and silencing” (Darby, Stanlake and Mohler 192).

Using an Indigenous feminist lens, I demonstrate how, in *Sovereignty*, Nagle constructs an Indigenous feminist subject that advances decolonization by addressing the gendered impacts of colonial law, challenging patriarchal misrepresentations, and “re-membering” Cherokee law to explore what justice means for Indigenous peoples. My use of the term “re-membering” draws on the use of the same term by legal scholars Tuck and Yang in their article “What Justice Wants”, in which they affirm that “demands for justice re-member; they are a kind of ghosting that refuses to forget abduction, violation, displacement, dispossession, and death. They also *re-member* the fragmented social body back together as life that matters in ways beyond the ontological cages of pained plaintiff or object in need of subjection” (7, emphasis mine). Accordingly, *Sovereignty* reflects the process by which Indigenous communities “reject state-administered justice and instead assert sovereignty over their selves, communities, lands, and cultural practices” (Tuck and Yang 7). This approach transcends notions of justice framed by Federal Law about Indigenous peoples by engaging with the cultural memory of Cherokee matrilineal practices in restoring justice to the Cherokee Nation.⁴

⁴ My analysis significantly draws on Alex Cavanaugh's study of Cherokee writer and activist Ruth Muskrat Bronson's allotment-era short story “The Serpent” (1925), as detailed in his article “Re-membering Cherokee Justice in Ruth Muskrat Bronson's ‘The Serpent’”. *American Indian Quarterly*, Vol. 44, No. 1, pp. 36-58.

Through the character of Sarah Ridge Polson, a Cherokee lawyer and activist, Nagle re-centers women's roles as powerful agents of healing and cultural continuity across intergenerational and tribal lines. Nagle's approach offers a response to the individual and community dismemberment inflicted by colonial legal practices and illustrates that tribal sovereignty and gender empowerment are inherently interconnected and mutually reinforcing.

2.2.3. Performative Counter-Storytelling and Indigenous Jurisgenesis

In *Sovereignty*, Nagle employs performative counter-storytelling to confront the demeaning narratives embedded within federal Indian law, exposing the inherent limitations of colonial justice systems. Through her work, she shifts the focus toward Indigenous perspectives, offering a critique of, and alternative to, the restrictive frameworks imposed by colonial legal structures. Her work exemplifies what Lumbee legal scholar Robert A. Williams calls "outsider jurisprudence," which seeks to uncover how dominant forms of legal meaning are experienced as alien and alienating by communities identifying with outsider groups" ("Gendered Checks" 1019). Specifically, Nagle's theater creates a space where discussions of the law, alongside the historical and cultural contexts that inform it, are conducted and embodied, thereby fostering dialogue about its potential and limitations. Thus, her plays can be understood as Indigenous jurisgenesis – the development of legal meaning that embodies Indigenous values. According to Robert Cover, "jurisgenesis" – the creation of legal meaning – "takes place always through an essentially cultural medium" (40). The "jurisgenerative process" is "the way in which real communities do create law and do give meaning to law through their narratives and precepts" (40). Cover contrasts the jurisgenerative process with the "jurispathic" function of state courts, which he describes as the need to "suppress law, to choose between two or more laws, to impose upon laws a hierarchy. [...] confronting the luxuriant growth of a hundred legal traditions, they [the judges] assert that this one is law and destroy or try to destroy the rest" (53). In performing their jurispathic function, state judges play a critical role in sanctioning and perpetuating racism against marginalized groups.

As Robert A. Williams explains, Supreme Court decisions that interpret a group's rights can set legal precedents that both perpetuate and legitimize racism. By dismissing

alternative legal traditions or perspectives, the Court imposes its authority over the group's own legal and cultural aspirations, thereby codifying racism as reasonable and lawful under U.S. law (Williams, *Like a Loaded Weapon* 22). When society acquiesces to or accommodates the Court's racially prejudiced interpretations, there is minimal incentive for the justices to reassess their positions. Nagle's theatre actively engages with legal discourse, critically examining the law's potential and limitations while exemplifying Indigenous jurisgenesis. Through this approach, Nagle's work confronts and challenges prevailing legal narratives that marginalize tribal sovereignty and underscores the decolonizing potential of Native American theatre. By doing so, it illustrates how Indigenous theatre and performance can effectively counteract and transform entrenched legal and cultural norms.

2.2.4. Confronting Federal Indian Law and Gendered Violence on Stage

Sovereignty explores the pervasive role of sexual violence within the broader framework of settler colonialism, highlighting how U.S. federal policies have systematically disrupted Indigenous families, communities, and legal traditions. The play not only challenges these historical and ongoing injustices but also advocates for the restoration of Native rights and sovereignty. As Mvskoke legal scholar Sarah Deer argues, federal Indian law and policy have long rendered Native communities vulnerable to sexual violence by non-Natives. Deer asserts that "rape can be employed as a metaphor for the entire concept of colonialism," as the violence inflicted by rapists on individuals mirrors the exploitation and harm colonial governments have imposed on entire nations (Deer, *The Beginning* 17). In *Sovereignty*, Nagle brings this legal and historical reality to life through the semi-autobiographical story of Sarah Ridge Polson, a Cherokee lawyer fighting to restore tribal jurisdiction.

The play delves deeply into the intersection of personal and political struggles, showing how Sarah's activism in advocating for the implementation of the Violence Against Women Act (VAWA) within her community is also a broader fight for sovereignty of her nation. Nagle deftly connects the colonial legal history of Native dispossession to Sarah's work as both a lawyer and a member of the Cherokee Nation, illustrating how the battle for jurisdiction over sexual violence is intricately tied to the battle for tribal self-determination. Polson's personal story is intertwined with the

collective trauma experienced by her people. Her experience of sexual violence at the hands of her non-Native partner, who is also a state police officer, underscores the devastating intersection of colonial legal structures and gendered violence. Through the portrayal of Sarah's experiences, Nagle reveals how sexual violence as a "tool of patriarchy and colonialism" (Smith 2). The character's journey to reclaim jurisdiction through VAWA not only serves as a form of resistance to these colonial structures but also acts as a means of healing, not just for herself, but for her family and her entire community. In this way, *Sovereignty* bridges the personal and the collective, illustrating that the fight against sexual violence and the struggle for legal sovereignty are deeply interconnected. Sarah Ridge Polson's story becomes emblematic of the broader Cherokee and Indigenous experiences under settler colonialism, where the denial of legal authority over one's body parallels the denial of tribal authority over lands, laws, and rights. By portraying the personal traumas of sexual violence within the context of colonial oppression, Nagle reveals how the legacies of violence are perpetuated and how Indigenous women, through activism and legal advocacy, are at the forefront of both healing and restoring sovereignty to their communities.

2.3. Bridging the Past and the Present: Staging Cherokee Legal Battles from the 19th Century to Today.

2.3.1. Parallel Timelines and Historical Narrative

Sovereignty unfolds across two parallel timelines. In present-day Oklahoma, a young Cherokee lawyer, Sarah Ridge Polson, collaborates with Cherokee Attorney General Jim Ross to defend the inherent jurisdiction of the Cherokee Nation. They advocate for the restoration of their Nation's jurisdiction under the Violence Against Women Act (VAWA) in a pivotal case before the U.S. Supreme Court. This modern struggle is juxtaposed with scenes from the early 1800s when the Cherokee Nation was situated eight hundred miles east in the southern Appalachians. During this period, Sarah's and Jim's ancestors faced a bitter division over a proposed treaty with Andrew Jackson's administration. This historical narrative captures the political and legal events that culminated in the signing of the Treaty of New Echota and the subsequent event known as the Trail of Tears. *Sovereignty* weaves together historical and contemporary events to illuminate the persistent effects of nineteenth-century laws on Indigenous communities, particularly Indigenous women. The play underscores how these laws have perpetuated

vulnerabilities among Indigenous people and highlights the crucial role of social and legal activism, especially in the context of VAWA, in addressing these issues.

Nagle's narrative is deeply rooted in the history of colonial legal practices that shaped the experiences of Indigenous peoples in the United States. The historical scenes, spanning from the 1820s to 1839, vividly portray the Federal government's encroachment on the sovereignty of the Cherokee Nation from the perspectives of its influential leaders, Major Ridge, his son John Ridge, John Ross, Chief of the Cherokee Nation, and Elias Boudinot, Major Ridge's nephew. These Cherokee leaders asserted the inherent political right of the Cherokees to be an "adaptive, changing, and self-determining people while remaining true to their ancestral values and the land that was their inheritance" (Justice, *Our Fire* 75). In 1827, this assertion took formal shape as the Cherokee Nation asserted their sovereignty by adopting a Constitution. This proclamation of self-governance, however, faced immediate challenge. The discovery of gold on Cherokee land in Georgia in 1828, coupled with Andrew Jackson's election to the presidency, escalated tensions significantly (Breyer 411). In response to the Cherokee's newly affirmed status as an independent sovereign Nation, the state of Georgia enacted laws aimed at annulling the Cherokee constitution and imposing Georgia's jurisdiction over Cherokee territory, thereby undermining the Cherokee Nation's declared independence (Breyer 412). It is in the context of the enactment of Georgia's laws that the audience is introduced to the historical characters. The historical scenes in the narrative depict the Cherokee leaders' appeals to President Andrew Jackson, their meetings with him, his dismissal of their cause, and their subsequent struggle to maintain their sovereignty. The subsequent scenes depict the events leading up to the arrest of Samuel Worcester, who collaborates with Elias Boudinot in editing the *Cherokee Phoenix*, his conviction in Georgia for disobeying Georgia's laws that restricted white missionaries from residing in Cherokee territory without a state license (Berutti 296). These events culminate in the landmark Supreme Court decision in *Worcester v. Georgia* (1832), wherein the Court ruled that state laws were unconstitutional in Indian Territory, thereby affirming the sovereignty of the Cherokee Nation (*Worcester v. Georgia*, 31 U.S. 515 (1832), 30). Although *Worcester* is considered a victory for Native nations, a subsequent scene depicts President Andrew

Jackson's refusal to enforce the decision, highlighting the ongoing struggle for Cherokee sovereignty.

2.3.2. From the Treaty of New Echota to VAWA

In the second act, the narrative tension escalates as divisions among Cherokee leaders intensify, leading to the signing of the Treaty of New Echota by a small group of Cherokee members led by Major Ridge, John Ridge, and Elias Boudinot. This controversial treaty resulted in the forced relocation known as the Trail of Tears and the subsequent assassinations of Major Ridge and John Ridge. Nagle portrays both the Treaty Party's pro-removal stance and John Ross's opposition with care and detail, providing a nuanced context for the broader Cherokee response to state and federal oppression. These historical events are closely linked to the contemporary scenes that explore the dramatic consequences of nineteenth-century laws on present-day Indigenous communities. The significance of treaty signing is highlighted by the protagonist's persistent emphasis on the Violence Against Women Act (VAWA) as analogous to a treaty – an agreement between two sovereign entities. This analogy underscores the legal and political weight of such agreements.

Sarah Ridge Polson explicitly articulates this comparison when preparing an argument for court: "VAWA's restoration of the Cherokee Nation's criminal jurisdiction is a crucial step toward the full restoration of the jurisdiction preserved in the Treaty of New Echota" (78). By drawing this parallel, Sarah frames VAWA not merely as a legislative measure but as a pivotal mechanism for reclaiming and reinforcing the sovereignty and legal autonomy granted by historical treaties. This comparison underscores the critical role of legal instruments in affirming and restoring Indigenous rights and jurisdiction, reflecting a broader struggle for the recognition and implementation of treaty rights within contemporary legal frameworks. Moreover, Sarah's interpretation of the Treaty of New Echota as an act that preserved the jurisdiction of the Cherokee over their lands aligns with Daniel Heath Justice's analysis, which considers the treaty a "complicated document of resistance, particularly in its concerns about the People's ultimate survival" (*Our Fire* 58).

The modern timeline features two pivotal Supreme Court decisions that occupy a central role in the narrative. The first is the already discussed *Oliphant v. Suquamish*

Indian Tribe (1978), in which the Court referenced 200 years of federal legislation to argue that “Indian tribal courts are without inherent jurisdiction to try non-Indians, and must depend on the Federal Government for protection from intruders” (*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978) 435). At the time of the *Oliphant* decision, tribes were recognized as sovereign “domestic dependent nations”, a status partially affirmed by the Marshall Court. The critical question therefore should have been whether the federal government had enacted any legislation restricting tribes from exercising their inherent sovereignty, rather than whether there was federal legislation explicitly allowing the tribes to act. By ruling as it did in *Oliphant*, the Supreme Court set a troubling precedent that uncovered and enforced so-called “inherent” limitations on tribal sovereignty. This decision has had far-reaching consequences, influencing numerous subsequent rulings from the high Court throughout the twentieth and twenty-first centuries. However, although in *Oliphant*, the Court eliminated tribal criminal jurisdiction over non-Natives, it is also true that it said nothing about civil jurisdiction over non-Natives (Deer and Nagle 4). While later cases did restrict tribal civil jurisdiction in certain circumstances, the Supreme Court affirmed that:

a tribe may regulate, through taxation, licensing, or other means, the activities of nonmembers who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements.... A tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe (*Montana v. United States*, 450 U.S. 544, 565-66 – 1981).

This authority, however, was directly challenged in 2015, when the Dollar General corporation asked the Supreme Court to eliminate all forms of tribal jurisdiction over non-Natives on tribal lands.

2.3.3. Tribal Jurisdiction, Corporate Power, and Violence Against Women and Children: *Dollar General Corp. v. Mississippi Band of Choctaw Indians* (2015)

The central legal question revolved around whether non-Native businesses could be subject to tribal civil jurisdiction. However, as Sarah Deer points out, the true heart of the case was a deeply troubling incident involving the alleged sexual assault of a young

Choctaw boy by a non-Native store manager. This critical issue, which should have been the primary focus, was overshadowed by the dry, technical question of civil adjudicatory authority (“Engendering” 13). Many Native women's organizations were deeply concerned about the *Dollar General* case because it concerned sexual abuse (Deer, “Engendering” 13). Specifically, it brought to public attention a tragically common issue: non-Natives committing abuse and escaping tribal criminal jurisdiction. In response, the Indian Law Resource Center and the National Indigenous Women's Resource Center (NIWRC) organized a Quilt Walk for Justice at the Supreme Court. Native women and leaders emphasized that a ruling against tribal jurisdiction would strip tribes of their authority to regulate non-Natives’ misconduct and protect their most vulnerable people, women and children. Moreover, Mary Kathryn Nagle, together with Muscogee attorney and legal scholar Sarah Deer filed an amicus brief for the NIWRC arguing that a decision in favor of Dollar General would re-victimize violent crime victims on Indian land by preventing them from seeking justice in tribal courts against non-Native perpetrators (Deer “Engendering” 13).

In 2000, Dollar General Corporation signed a multi-year lease and opened a store on tribal trust land located on the Mississippi Choctaw reservation. In accordance with a business license granted under the Choctaw Code, Dollar General agreed to the jurisdiction of the tribal court for any issues relating the lease. The tribe managed a youth job-training program, which involved placing young tribe members in positions with local businesses and compensating them for their work under the business’s supervision. In the summer of 2003, a 13-year-old Choctaw student alleged that Dale Townsend, a white store manager, repeatedly molested him at a Dollar General store on the reservation where the student was placed as part of the job-training program. The student and his family sued both Townsend and Dollar General in tribal court. Townsend and Dollar General filed motions to dismiss for lack of subject-matter jurisdiction, but the tribal court denied these motions. Their petitions for interlocutory review to the Choctaw Supreme Court were also rejected. Having exhausted their options in the tribal court system, Townsend and Dollar General filed a lawsuit in federal court in 2008, seeking an injunction to prevent the case from proceeding in tribal court (McDonald 401). Over the years, Dollar General failed to convince courts both on and off the reservation that the Choctaw lacked civil jurisdiction over non-Natives,

losing their argument at every juncture. Although the case against Townsend was dismissed, Dollar General continued to argue that the tribal court had no jurisdiction over them in this civil tort case, despite their contractual relationship with the Choctaw tribe and their operation of a retail store on the reservation (Deer “Engendering” 14).

As Andrew Epstein notes, one of the most striking aspects of Dollar General’s position is their portrayal of themselves as victims in a case that originated from the alleged sexual assault of a child (*The Nation*, 2015, n.p.). Dollar General contended that “subjecting nonmembers to tribal court jurisdiction risks serious intrusions on individual liberty,” emphasizing the significant implications for nonmember corporations and individuals conducting business on tribal reservations. In court, Dollar General’s representatives articulated concerns that non-Natives could be “hauled into tribal courts” and subjected to an “unwritten set of laws and customs” determined and enforced by the tribes (*Dollar General v. Mississippi*, 746 F.3d 167, 5th Cir. 2014). This argument reflects a racially prejudiced interpretation of tribal sovereignty and legal authority that has been pervasive in U.S. legal discourse and, as previously discussed, Robert A. Williams has noted that such interpretations have long been embedded in Supreme Court decisions, dating back to at least the nineteenth century.

Following the Supreme Court’s 4-4 vote, which upheld the Fifth Circuit’s decision favoring the tribal government, Deer and Nagle wrote an article in which they explained the stakes of the arguments put forward by Dollar General’s representatives. They noted that Dollar General’s brief repeatedly cited *Oliphant* to argue that U.S. colonial conquest stripped Indian Nations of their inherent sovereignty. Specifically, Dollar General asserted that Indian Nations lost their authority due to “incorporation” into the United States, quoting *Oliphant*’s claim that Tribes “gave up their power to try non-Indians” (Deer and Nagle 353). Additionally, in citing the *Oliphant* decision in several points, Dollar general echoed the Marshall Court’s description of Tribal Nations as “savages” and “heathens” (Deer and Nagle 360). Deer and Nagle argue that, while the corporation avoided these explicit terms, it perpetuated the portrayal of Native Nations and their Tribal Courts as uncivilized and incompetent, stating that despite “the conscientious effort of many tribes to improve the quality, objectivity, and professionalism of their courts,” the cultural impact indicated that non-Indians should not be required to litigate in them due to their current status (362).

The entire play responds to the arguments raised in the *Dollar General* case and the precedents it cited, highlighting the racial biases in the judicial system's treatment of tribal sovereignty. *Sovereignty* explicitly references the *Dollar General* case through the legal events that unfold in the present timeline. After being raped by her fiancé, Ben, Sarah brings the case to tribal court. Ben, facing charges in the tribal court, appeals the decision to the Supreme Court. Nagle dramatizes the racialized language of Supreme Court decisions, from the Marshall Court to the present, through a masterfully constructed dialogue between Ben and his lawyer. Ben argues that tribal jurisdiction over him is unconstitutional and urges his lawyer to take the case to the Supreme Court: "We can pick up where *Dollar General* left off" (103). The reference to the *Dollar General* case makes evident the crucial connection between inherent tribal sovereignty, violence against women, and the ability of tribes to protect women and children ("Ending Violence So Children Can Thrive" 42-43).

Nagle's storytelling activism exposes the failure of federal laws and policies to address the safety of Native women and children living on tribal lands. Moreover, the play illustrates how "jurisdictional conflicts are the direct result of federal Indian policy that has consistently used legal violence as a method to colonize Native land, assimilate Native people, and solve the "Indian problem" (Casselman 61). As Sarah Deer notes, "there will always be the foundation of wide gaps created by a system originally designed to destroy, not heal" (*The Beginning* 69). Thus, Nagle's narrative asserts that for "long-term change" to happen tribal jurisdiction – both civil and criminal – must be completely restored without restriction, "nothing less will do" (Deer, 69).

2.4. Ceremonial Time, Place, and Tribalography: The Transformative Power of Native Storying

2.4.1. Storying and "Ceremonial Time" in *Sovereignty*

Nagle shapes the plot structure to foreground the ongoing relevance of historical struggles for sovereignty and justice and inform contemporary Indigenous communities' activism. The play, structured in two acts, interweaves past and present through a dramatic structure that challenges linear conceptions of time. Notably, the first act predominantly features historical scenes, while in the second the present-day scenes outnumber the historical ones. However, the temporal fluidity of time becomes more pronounced in the second act, where there is an increasing interweaving of historical

and contemporary scenes, highlighting the ongoing relevance of historical struggles for sovereignty and justice how they shape and inform contemporary Indigenous communities' activism. The expression of temporal fluidity in the narrative is effectively achieved through the technique of cross-fading between historical and contemporary scenes. This method allows for the seamless interaction of characters from disparate time periods, facilitating an intergenerational dialogue that bridges temporal divides.

In the introduction to the printed version of the play, Nagle provides an insightful commentary on this temporal framework: "Sovereignty takes place in the early 1800s and in the present. We transition back and forth in time fluidly and quickly [...] The worlds coexist, since at any given moment we are a reflection of our past and present, and we project that into our future" (2). This non-linear time structure is deeply rooted in Native practices, where the boundaries between past, present, and future are fluid and interconnected—a concept Paula Gunn Allen describes as "the ritual nature of time" (94). The ceremonial quality of time is reflected in the play's narrative approach, which seamlessly blends historical and contemporary elements, employing "storying," or "the material act of telling Native American stories" which includes also (Stanlake 119), to shape the plot and inform its staging conventions. Moreover, the non-linear time structure in *Sovereignty* reflects also the way legal precedents set by Supreme Court's decisions continuously shape and inform current legal frameworks and struggles for Indigenous sovereignty. The play draws parallels between non-linear time and the ongoing fight for Indigenous legal rights, suggesting that historical struggles for sovereignty remain relevant today. This connection reinforces the idea that Indigenous communities' legal battles are part of an ongoing narrative of dispossession, rather than a closed chapter in history.

The ritual nature of time is reinforced by the play's vision of place. The opening scene takes place in contemporary Oklahoma, and specifically at the Ridge family cemetery, where the young Cherokee lawyer, Sarah Ridge Polson, having returned home after a long absence, meets her aunt Flora, who oversees the cemetery where their

ancestors, Major Ridge and John Ridge are buried.⁵ The Ridge family cemetery is not only a recurring setting but also a site of deep historical and personal significance. It appears again in the middle of the play when Sarah's boyfriend, Ben, proposes to her, and it features prominently in the play's conclusion, where characters from both historical and contemporary narratives converge on stage. From the very beginning of the play, Sarah Ridge Polson's return to Oklahoma is portrayed as deeply intertwined with her family's legacy and the broader narrative of colonization. In setting the first scene in a sacred burial ground, Nagle stages Sarah's return home as a ceremonial reconnection to her Cherokee identity, community, and the spiritual realm of her ancestors.

When Sarah tells her aunt Flora about her application to the Attorney General's office, Flora warns her about the ongoing family tensions and points out that the office is run by a descendant of John Ross, subtly referencing the long-standing historical conflicts between the Ross and Ridge families. Sarah suggests she might avoid mentioning her family background, Flora responds with a stark warning: "The moment he finds out you're a Ridge, he'll do whatever he can to undermine you, your work, and your reputation. The day you trust a Ross is the day they kill you" (6). Flora refers to a historical conflict that occupies a central role in the play's narrative: the deep division among the Cherokee people between the followers of John Ross, who opposed ceding their sovereign lands in the Southeast, and the Ridge faction, who advocated for removal to the designated 'Indian Territory in the West. The signing of the Treaty of New Echota by members of the Ridge faction without Ross' consent reverberates through generations, profoundly shaping the interactions of the characters. After signing the treaty, which ceded Cherokee lands to the United States and led to the Trail of Tears, Cherokee leaders Major Ridge, John Ridge, and Elias Boudinot were assassinated by a faction of their own people, even though John Ross always denied responsibility for the murders. This historical schism not only drives the plot but also reveals the damages of colonialism on Native communities across generations. The cemetery, situated a few miles from where John Ridge was murdered, turns into a space

⁵ In her critical work on Indigenous theater, Christy Stanlake notes that place is so pivotal in Native American plays that "one could argue it carries the same weight as characters as it "dynamically participates in the play's present actions through the relationship forged between human beings and the land" (41 – 42).

charged with historical and spiritual significance – it becomes both a contested site and a sacred burial ground which involves “the process by which [the old spirits of place] might be made to speak again – how the land may become numinous once more and speak to its dwellers” (Pommersheim 14).

Nagle employs the double-casting of actors as a technique to bridge historical and contemporary contexts, allowing audiences to perceive the enduring presence of ancestors in the present day. By having the same actors portray both historical figures and modern characters, Nagle underscores the continuity of the struggle for justice and sovereignty. The play emphasizes that the battles fought by the ancestors are not merely historical but are integral to the identity and survival of contemporary Indigenous communities. This theatrical device thus becomes a means of honoring the past while simultaneously asserting the presence and agency of Indigenous peoples in the present and future. As Stanlake observes, in Native American plays, “the bond between humans and non-humans, whether they are animals or departed ancestors, is not merely fantastical: it is performative, connecting humans to the land” (124). Since language itself is rooted in the land, storytelling allows speech to “circulate through the past, present, and future” (125). This process connects people not only with the land but also with all of time and creation, affecting ancestors and shaping future generations.

Through its fluid, non-linear plot structure, *Sovereignty* challenges Western concepts of time, creating a space for audiences to engage with Indigenous perspectives that emphasize the relevance of both the past and the future in the present moment. The play highlights how the present is shaped by a web of relationships that connect generations, acknowledging the responsibilities of current generations to both their ancestors and those not yet born. This interconnected view of time reinforces the idea that actions taken now are deeply informed by the past and will have lasting impacts on future generations, making these relationships central to Indigenous identity and justice. In this way, *Sovereignty* exemplifies the transformative ability of Choctaw writer LeAnne Howe’s concept of tribalography as a tool to develop an understanding of complex histories, particularly for non-Native audiences.

2.4.2. Tribalography and Indigenous Storytelling

Howe describes her concept of “tribalography” as constructing a reality through storytelling that helps to “create a people” and “author tribes” by making explicit “unending connections to past, present, and future” (qtd. in Romero, 14). According to Howe, Native writers employ storytelling with two interrelated objectives: “integrating oral traditions, histories, and experiences into narratives and expanding our identities” (46). Channette Romero highlights that many critics who write on tribalography often focus predominantly on its first function – integrating oral traditions and histories – while overlooking its role in “creating” and “expanding” individual and tribal identities (13). Howe clarifies that “expanding our identities” entails more than engaging with historical contexts; it involves placing Native experiences – both contemporary and historical – within a broader framework that includes interactions with other communities.

Howe asserts that “tribalography is a story that links Indians and non-Indians” (46). At a conference celebrating Native women playwrights, Howe witnessed a nuanced and ultimately productive dialogue between Native and settler scholars, sparked by a presentation that addressed the trauma experienced by First Nations children in Catholic boarding schools in Canada. This experience led Howe to reflect on how “Native stories have the power to create conflict, pain, discord, but ultimately understanding and enlightenment—a sacred third act” (“Tribalography” 117). As a space of encounter, theatre is the ideal venue for witnessing the transformative power of Native stories Howe talks about. By highlighting the enduring impact of past colonial practices of dispossession on the present struggles of Indigenous nations, *Sovereignty* demonstrates how colonial legal systems continue to reinforce government objectives aimed at assimilation. These systems achieve this by minimizing the lasting influence of historical injustices on contemporary efforts for Indigenous rights and sovereignty. Nagle challenges audiences, particularly non-Indigenous viewers, to critically re-examine their perceptions of justice, urging them to question how colonial legal frameworks obscure the realities of Indigenous peoples’ experiences. Through the portrayal of contemporary and historical legal battles, Nagle challenges the audience to recognize that the pursuit of justice for Indigenous peoples requires more than just legal

reforms – it demands a deeper understanding of how these legal systems have been complicit in the erasure of Indigenous identities, cultures, and rights.

By engaging with Indigenous storytelling traditions and re-centering Indigenous perspectives, Nagle reframes the conversation on justice, emphasizing the need for restorative recognition that addresses both historical and ongoing inequalities. According to Romero, tribalogy “advocates that individuals and tribes expand their identities and political practices, adopting early tribal traditions of diplomacy and inclusiveness more actively to resist intergenerational trauma” (24). Romero further contends that tribalogy mandates narratives of the past to not only recount historical oppression but also provide “viable models for contemporary resistance” (24). Drawing on Romero’s insights, I argue that *Sovereignty* is not only a narrative deeply rooted in the protagonist’s identity as a descendant of Cherokee Nation members who were forcibly removed from their homelands but also illustrates Sarah’s activism as profoundly informed by the political efforts of her ancestors which can be seen as “useful models for contemporary resistance” in order to “create authorizing stories” that have the power to heal (Romero 23). Mary Kathryn Nagle herself states that “storytelling is medicine, and it is a way to heal the wounds of the past. I believe that very strongly. By creating a safe place to explore and talk about our historical traumas, we will finally be able to heal them” (qtd. in De Bettin Padolin and Saal n.p.) By situating Sarah’s activism within a broader cultural, political, and personal context, the narrative in Nagle’s dramaturgy is an example of tribalogy in that it underscores the significance of recounting historical and tribal experiences and how such narratives can shape modern resistance strategies and expand contemporary Indigenous identities and political practices, thereby contributing to the healing of intergenerational trauma.

2.5. Revising Histories and Reclaiming Indigenous Identities

2.5.1. Staging Cherokee Activism During the Removal Era

The play highlights the profound influence of entrenched racial biases on the shaping of legal and political discourse, providing a foundation for a more in-depth examination of their impact across both historical and contemporary contexts. In its historical narrative, Nagle delves into the relationships and alliances among Cherokee leaders John Ross, Major Ridge, his son John Ridge, and Elias Boudinot as they collectively resist the forced removal policies imposed during Andrew Jackson’s

presidency. The play's opening historical scene introduces a young John Ridge and his cousin Elias Boudinot, who are studying at the Foreign Mission School in Cornwall, Connecticut, and staying at the Northrup family residence. Nagle portrays John Ridge as a young man marked by frail health – he walks with crutches – and a deep attachment to his Cherokee heritage. This is highlighted when he criticizes Elias for adopting a new name to honor the man who facilitated his attendance at the school, contrasting with John's own decision to retain his Cherokee identity: "I had a sponsor to come here – I had to – but I never took his name" (27). In a subsequent conversation, Ridge refuses to profess a faith he does not hold, stating, "You will never hear me profess a faith I do not possess" (28). This portrayal contrasts with the later depiction of John Ridge as a supporter of the controversial "Treaty Party", showing his early defiance against external impositions on his beliefs.

Founded in 1812 by the American Board of Commissioners for Foreign Missions (ABCFM) – the Foreign Mission School in Connecticut aimed at instructing the student in the mechanic arts, agriculture, and commerce, as well as in religion and "civilization" (Andrew 332). In his 2014 book *The Heathen School: A Story of Hope and Betrayal in the Age of the Early Republic*, John Demos examines the inspiration behind the founding of the Foreign Mission School, describing it as rooted in the narrative of American exceptionalism. The trustees aimed to educate a group of men who could return to their nations as missionaries, spreading Anglo-American educational and religious ideals globally. Demos illustrates that this confident belief in New England's transformative power was challenged when a crisis engulfed the school, suggesting paradoxically that Indigenous students might reshape Cornwall rather than the other way around. These students had assimilated so well that they began to claim the same rights as their white counterparts. The first historical scene in *Sovereignty* portrays the beginning of this crisis introducing the character of Sarah Northrup, the schoolmaster's daughter and John Ridge's love interest. In the same scene, Sarah enters to bring John his dinner and it is evident that she reciprocates his love. However, their relationship is hindered by racial prejudices. Sarah tells him that her father stated: "the schoolmaster's daughter is not permitted to marry a savage" (31). In one of the following scenes, set in Cherokee Nation, Sarah Bird Northrup recounts how, after her father consented to her marriage to John, "we were attacked. By a mob. Men and women. Dozens of them. As

soon as John arrived. The men threw rocks. The women screamed. ‘Savage. Heathen. You will rot in hell.’ Those are the words I remember most. My father tried to sneak us back, but they caught wind of our escape and almost toppled the carriage” (53). As Demos points out, John Ridge and Sarah Bird Northrup’s marriage sparked criticism and worries from both citizens and the school’s donors. Newspapers throughout Connecticut denounced Sarah as a “squaw” and speculated that the Heathen School scholars aimed to “make our daughters become nursing mothers to a race of mulattoes” (Demos 15). A similar reaction occurred following Elias Boudinot’s marriage to Harriet Gold, another white woman from the same community. At the heart of this anger, Demos suggests, was a refusal to see Native people as anything but racially others. The early scenes of the play, which portray an interracial romance, serve as a critical introduction to the pervasive racism that becomes a central theme throughout the narrative. This initial depiction not only highlights the personal and societal prejudices faced by the characters but also foreshadows the systemic racism that will be echoed in the language and policies of Andrew Jackson and his collaborators, and in subsequent Supreme Court decisions.

The subsequent historical scene dramatizes the state of Georgia’s 1820s assault on Cherokee sovereignty linking it to the violation of Cherokee women. During this period, Georgia passed laws aimed at undermining Cherokee autonomy and eroding their territorial rights. These laws included measures to invalidate Cherokee legal systems, appropriate their lands, and nullify their governmental authority. This legal onslaught was accompanied by physical and sexual violence, illustrating the nexus between legal and sexual violence at the core of the American colonization project. In the scene, which introduces Major Ridge and John Ross, the two leaders engage in a discussion about their opposition to the unconstitutional policies of the state of Georgia:

John Ross: Major Ridge, sir.

[Major Ridge *turns to see* John Ross]

John Ross: Two more.

Major Ridge: When?

John Ross: Just last night.

[Beat.]

Governor Forsyth's instructed – he's actually ordered the militia to violate our women. Any woman who does not obey their command

Major Ridge : On Cherokee lands?

John Ross: They say this is Georgia.

Major Ridge: We'll go to Washington. Get this all straightened out.

John Ross: We need to do something more.

Major Ridge: What do you suggest?

John Ross places a draft bill on the table and MAJOR RIDGE regards the paper before him.

Major Ridge: Who drafted this?

John Ross: It's a rough sketch.

Major Ridge [*reading*]: "That any citizen of Georgia" – The law applies to citizens of Georgia?

John Ross: We need to make clear the law applies to everyone, Cherokees, non-Cherokees, citizens of Georgia, any non-Indian...

Major Ridge: "Whatsoever, who shall lay violent hands upon any female, by ... abusing her person and committing a rape upon such female ... shall be punished."

John Ross: We will prosecute anyone who rapes a woman on Cherokee lands.

[Major Ridge *nods*] (32-34).

This portrayal illustrates how the systematic dismantling of Cherokee sovereignty was intertwined with broader patterns of exploitation and oppression, particularly at the expense of Indigenous women. As legal scholar Amy Casselman observes, "throughout the history of Euro-American colonization, sexual violence became a central tool of federal law and policy, shaping legal frameworks and policies" (25). The meeting with President Andrew Jackson and his associates, as represented in the play, proves futile.

Jackson, portrayed by the same actor who plays Sarah Ridge Polson's abusive fiancé, Ben, allows the Cherokee delegation only a few minutes to present their case. Upon hearing their arguments, he dismisses them with the statement: "I say this as your friend. You find yourselves established in the midst of a superior race, and although you do not appreciate the cause of your inferiority, if you do not yield to the force and progress of civilization and move west, you will disappear" (45 – 46). his interaction underscores Jackson's condescension and the broader disregard for Cherokee sovereignty.

The play subsequently illustrates the escalating attacks on Cherokee sovereignty by showcasing Samuel Worcester, a Vermont missionary who collaborated with Elias Boudinot on the *Cherokee Phoenix*. In a poignant scene, Worcester discusses the next issue of the *Cherokee Phoenix* with Boudinot and John Ridge when Georgia militia men invade the house and arrest him. Worcester is charged under a Georgia law that prohibits non-Indians from entering or residing on Cherokee lands without a state-issued license, with violators facing four years of hard labor. The following scenes depict Worcester's imprisonment and John Ridge's efforts to present his case in court, only to encounter Jackson's refusal to enforce the Supreme Court's decision. After winning in the *Worcester v. Georgia* case, John Ridge appeals to Jackson:

John Ridge: I'm sure by now you've read Justice Marshall's decision. [...] As I'm sure you are aware, Georgia has refused to release Reverend Worcester. They continue to force him to undertake hard labor, despite the court's decision compelling his release. Even worst, Georgia has begun to survey our land. They've created a lottery and they're giving away Cherokee lands to Georgia citizens in violation of Cherokee law.

Andrew Jackson: John Marshall made his decision. Let him enforce it (77).

This dialogue reveals that Jackson's policies were aimed at dismantling Cherokee tribal sovereignty, even at the expense of disregarding a Supreme Court decision. Notably, this scene is immediately followed by the depiction of Sarah's assault by her fiancé, Ben. By juxtaposing these two scenes, Nagle draws a parallel between the systemic violence enacted by the colonial government and the personal violence inflicted upon Indigenous women. This comparison serves as a powerful metaphor for

the broader concept of colonialism, illustrating how both institutional and individual forms of violence contribute to the oppression and subjugation of Indigenous peoples. Through this juxtaposition, Nagle emphasizes the pervasive and intersecting nature of colonial violence, underscoring its impact on both societal structures and personal lives.

The play further highlights the connection between the violence of colonial dispossession and its personal impact on Indigenous identities by following the scene of Sarah's rape with one depicting the escalating tensions between John Ridge and John Ross over the removal policies. Faced with Jackson's obstinate refusal to enforce the Court's ruling, Major Ridge comes to the realization that directly challenging the President is futile. Consequently, he begins to advocate for relocation, perceiving it as the only viable option to ensure the survival of the Cherokee people amidst escalating threats. His position is underpinned by the belief that relocation represents a pragmatic strategy to mitigate further conflict and loss. Conversely, John Ross remains firmly opposed to surrender, demonstrating an unwavering commitment to resisting removal and upholding Cherokee sovereignty. This ideological rift underscores the profound divisions within Cherokee leadership regarding the most effective means to confront the advancing challenges and legal obstacles imposed by the U.S. government and state authorities. The debate is characterized by fervent disagreements, with each faction ardently defending its approach to securing the Cherokee Nation's future:

John Ross: We will never leave.

John Ridge: Every day, more and more are killed by the Georgia Guard.

John Ross: Our land is who we are. It's what makes us Cherokee.

John Ridge: What use will our land be once we've all been killed?

Elias Boudinot: He has a point—Georgia's outlawed our government, they rape our women, half our nation is now homeless—

John Ross: And so we should give up, let it go, give it all away?

John Ridge: I do not say this lightly. I see no other way for our nation to survive. If we agree to move west, we'll lose our lands, but we'll preserve the nation, intact.

[*Beat.*]

John Ross [*to John Ridge*]: I drafted the blood law. With your father. Anyone who sells Cherokee lands to the United States will be prosecuted and sentenced to death (91).

In his endeavor to counteract Georgia's unlawful extension of jurisdiction, and Jackson's policies of removal, John Ross embodies what Daniel Heath Justice, in his thorough examination of Cherokee literature and social history, refers to as "Chickamauga Consciousness" (34 – 38). This term, originating from the nationalist resistance movement of the late eighteenth and early nineteenth centuries, signifies a "spirit of defiance", both physical and rhetorical, within Cherokee culture. The resistant Chickamauga consciousness is contrasted with the Beloved Path, which, as Justice argues, "places peace and cultural continuity above potentially self-destructive rebellion" (39 – 40). Justice's analysis proposes that Cherokee literature throughout the centuries is deeply influenced by enduring cultural traditions, which involve a balance between negotiation and accommodation, represented by the Beloved Path, and defiance, embodied by the Chickamauga consciousness. While Ross's overt resistance to removal embodies the Chickamauga spirit, Justice observes elements within the Treaty of New Echota that also reflect elements of rhetorical defiance. Through his analysis, Justice demonstrates that despite historical tensions, both negotiating parties prioritized the best interests of the Cherokee people and that these two approaches "strategic accommodation and tactical defiance, work together to preserve the spiritual commitments, physical bodies, and cultural lifeways of the Ani-Yunwiya, maintaining an ever-fluid balance" (42).

2.5.2. Chickamauga Consciousness and the Beloved Path

Applying Justice's framework to the present-day storyline of *Sovereignty*, I argue that Sarah Ridge Polson embodies both the resistant tendencies of the Chickamauga consciousness and the nurturing aspects of the Beloved Path. Her efforts to restore sovereignty over her nation and protect Native women through legal activism align with the Chickamauga consciousness "spirit of defiance". Simultaneously, she reclaims her role as a Cherokee leader, matriarch, caregiver, and healer. These roles connect the character Sarah to the historical figure of Nanye'hi (Nancy Ward), whom Justice

identifies as epitomizing the Beloved Path as both a war leader, and later, as a revered Beloved Woman. Nanye'hi, who took up arms in 1755 and gained acclaim as a war leader, later became renowned as a Beloved Woman, saving the lives of many Euro-Americans captive and negotiating with the U.S. government (Justice, "Our Fire" 39). Justice writes that "Nanye'hi lived during times of extraordinary cultural change and conflict, rising to prominence due to her intelligence, charisma, courage, and endurance, supported by a tribal power structure that provided women with a forum to exercise their abilities. She fought to maintain balance between her people's world and the encroaching European influences" (38). After the death of her first husband, she married a white settler and adeptly navigated between cultures, consistently fulfilling her role as an advocate for peace.

The second path is Chickamauga Consciousness, exemplified by the heroic military leadership and cultural resistance of Nanye'hi's cousin, Tsiyu Gansini (Dragging Canoe). Gansini would lead his people, who came to be known as the Chickamaugas for their settlement at Chickamauga Creek, against U.S. settlement and expansion (Justice). Daniel Heath Justice argues that the political and social conflict between Nanye'hi and her cousin Tsiyu Gansini is fundamentally a tension between the positions of peace and war chief in an era dominated by the politics and policies of a predatory colonialist regime differ "in degree not in kind": they exemplify the red/white political structures that characterized Cherokee town before the government centralization. Nanye'eh herself earned the title of "war woman" after taking up the weapon of her slain husband and rallying the men into battle to defeat the Muscogee Creek (Pesantubbee 182). In a well-researched article, Michelene E. Pesantubbee explores how Cherokee traditions not only defined Nanye'hi's responsibilities as a Beloved Woman but also influenced her decision to aid American revolutionaries, spare the lives of captives, and warn whites of impending attacks by her cousin Tsiyu Gansini and his warriors. While some white Americans viewed her as a patriot and a traitor to her people, her actions ultimately served to protect Cherokee interests. Nanye'hi's efforts aimed to avert violence that threatened Cherokee well-being in the late eighteenth century. Nanye'hi's actions become clearer when interpreted in the context of Cherokee symbolism, her clan affiliation, and her responsibilities as a beloved woman (179). As a member of the Ani'-wa'ya, or Wolf Clan, the largest and most important Cherokee clan known for

aiding captives during times of war, Ward upheld her clan's traditions. The Wolf Clan was renowned for its healers, who possessed extensive knowledge of plant medicines and healing practices. Ward's actions—such as aiding captives, healing the sick or injured, and protecting soldiers—were consistent with her clan responsibilities and those of a Beloved Woman. As a Beloved Woman, she had the right to speak in council, negotiate with foreign powers, and, with a wave of a swan's wing, save a prisoner already condemned to die. She was responsible for mediating peace, purity, and harmony, and in each case, she fulfilled these duties (Parker 122).

As a direct descendant of Major Ridge, Mary Kathryn Nagle crafts Sarah Ridge Polson as a semi-autobiographical character who embodies the spirit of Chickamauga resistance and the Beloved Path. Sarah's actions and attributes reflect both the Chickamauga consciousness and the responsibilities of the Beloved Woman, including negotiation, advocating for the safety of other Indigenous women, and healing her community. Her character thus serves as a living representation of the Cherokee traditions and the enduring legacy of her ancestors. In Sarah, Nagle not only honors the legacy of Nanye'hi but also challenges stereotypical depictions of Native women. In fact, traditional western narratives have often portrayed figures – like Sacajawea and Pocahontas – as sexualized “traitors” to their communities. These narratives redefined the roles of Indigenous women to diminish their power, serving as instruments of erasure and political containment with enduring consequences in both Native and non-Native communities (Huhndorf 107). By contrast, Sarah continues Nanye'hi's legacy and subverts these damaging stereotypes, transforming them into powerful models for individual identity reconstruction, and anti-patriarchal, anti-colonial politics. In her role as a lawyer advocating for Native sovereignty and the rights of Indigenous women.

Sarah's willingness to set aside intergenerational conflicts in her collaboration with Jim and to mediate on behalf of the Cherokee Nation demonstrates the “Beloved Path” of cooperation and negotiation. Nagle frames this approach as a crucial aspect of legal and social activism, essential for both Native communities and the U.S. government. In the scene showing her job interview with Jim Ross at the Attorney General's office, Sarah strategically avoids mentioning her family background. Despite her disagreement with Ross, who labels her ancestors as “traitors”, her commitment to restoring Cherokee sovereignty compels her to overlook their differences and pursue the job. When Ross

asks, "If you could accomplish one thing while working in this office, what would it be?" Sarah confidently replies: "I want the Cherokee Nation to implement it [VAWA]" (17). The action takes place post-2013, following the reauthorization of VAWA, with a focus on implementing its provisions. Sarah decisively wins the job interview by stating, "for me, VAWA is no different than treaty signing. It's a modern-day treaty from one sovereign to another" (17) She makes clear that, like treaties, VAWA represents a crucial element of the legal relationship between the U.S. and Native nations, emphasizing how only active participation by Native Nations will ensure effective implementation. In doing so, Sarah highlights that merely passing the Act does little for Native nations without actual implementation, a fact that she reiterates later on: "if Cherokee Nation were to actually get off its butt and implement VAWA, we could prosecute domestic violence crimes perpetrated by non-Indians" (17). These words resonate with Jim who hired Sarah and suggests that they travel to Washington D.C. immediately, representing the Cherokee Nation to discuss the implementation of VAWA with the Department of Justice. Later in the narrative, they return to Washington to meet with the U.S. President, who has "some questions about the legitimacy of tribal jurisdiction" (75).

Jim and Sarah's activism indicates the vital relationship between the federal U.S. government and Native nations, highlighting the importance of dialogue and cooperation in order to restore tribal sovereignty. In staging Sarah and Jim's repeated visits to the White House, that parallel the ones of their ancestors, Nagle stresses the importance of dialogue between U.S. and Native nations as equal sovereign, pointing out that this sovereign-to-sovereign relationship is crucial for resolving conflicts and ensuring that legal and political interactions do not perpetuate past injustices. This focus allows Nagle to challenge colonial law and Western legal scholarship, which often detach legal issues from their colonial context. In fact, by placing the federal government at the center of jurisdictional conflict resolution, Western legal narratives obscure the colonial roots of these problems (Cheyfiz 226, Suzack 8). In *Sovereignty*, Nagle uncovers the legal realities concerning historical injustices by addressing the relationship between tribal sovereignty and colonial intrusions.

2.5.3. Performing Counter-Storytelling and Rhetorical Sovereignty

I have been arguing that in *Sovereignty*, Nagle employs performative counter-storytelling, a powerful tool for achieving social justice by counteracting conventional narratives upheld by the U.S. legal system that further assimilative governmental objectives. Performative counter-storytelling involves the use of narrative and performance to challenge dominant discourses, reveal hidden truths, and promote social change (Maxwell and Sonn 48). Nagle's narrative exposes the legal realities surrounding historical injustices and connects them to contemporary issues, thereby addressing the gaps and biases in conventional legal and social narratives. In this play, Nagle does more than merely recount past events; she employs storytelling as a transformative tool to redefine the present and future. By highlighting the enduring impacts of colonial intrusions on tribal sovereignty, she repositions jurisdictional conflicts within a colonial narrative, both historically and through the contemporary activism enacted by her protagonist. This approach not only exposes the legal complexities faced by Native communities but also challenges the ongoing erasure of historical gender inequalities in legal discourse. Nagle presents a counter-narrative that underscores the absurdity and severity of the jurisdictional conflict, emphasizing how these legal frameworks perpetuate the vulnerability of Native communities.

This critique emerges clearly in the second scene of the play, where Nagle sets the stage for the exploration of the interplay between legal issues and violence, underscoring the complexity of the challenges that Sarah and her community face. This scene, set in the Cherokee Nation Hard Rock Casino, opens with Ben, a non-Indian Special Victims Unit police officer, and Mitch, a non-Native lawyer, meeting with Watie, a tribal police officer and Sarah's brother. When a drunk man becomes unruly and assaults Watie, a jurisdictional dilemma arises: Ben cannot arrest the assailant on Cherokee land, and Watie, a tribal officer, cannot arrest a non-Native who attacks a Native person. The absence of federal agents, the only authority capable of intervening, shows the legal limbo and governmental failure to protect Native victims of violence on tribal lands. Moreover, the choice to stage this event at a Cherokee Casino is significant. Casinos have brought considerable economic prosperity to Native people. Thus, by choosing this setting, Nagle shows how attacks on tribal sovereignty can occur even within spaces that symbolize Native economic independence. After the attacker leaves,

Sarah enters the Casino to find her brother injured. In an exchange with Ben and Watie, Sarah reiterates the history of legal decisions that precipitated such attacks, using storytelling to underscore the dysfunction of federal Indian law and its devastating impacts on tribal communities:

Ben: So crazy to be standing there-you know, two sets of police, and neither one of us could do anything.

Sarah: Because of Oliphant.

Ben: An elephant?

Mitch and Sarah: Oliphant.

[...]

Sarah: In 1978 the Supreme Court said Tribes can no longer exercise criminal jurisdiction over non-Indians who come onto tribal land and commit a crime [...] You could set my house on fire, graffiti our courthouse, kill someone, basically do whatever you want, and Cherokee Nation could never prosecute you. (17).

In this scene, Nagle demonstrates her mastery of dramatic conventions. First, she illustrates the material consequences of the lack of tribal jurisdiction on Native land through staging the physical attack on Watie and the subsequent inability to arrest the attacker. Then, Nagle stages a dialogue among the characters that is both humorous and educational, effectively engaging the audience members – especially non-Indigenous communities – while commenting on the absurdity and gravity of the jurisdictional conflicts on Native lands.

As the play progresses, the historical scenes depicting the fragmented factions led by Ridge and Ross illustrate the political and legal events culminating in the signing of the Treaty of New Echota and the Trail of Tears. These historical vignettes serve as a backdrop to Sarah's contemporary struggles, providing context and depth to her personal story, which further illustrates the enduring impact of colonial legal policies hinted at in the scene at the Casino. Sarah begins working for Jim Ross at the Attorney's General Office and she encounters Ben, a white police officer. The two fall in love and Ben later proposes to her at the Ridge cemetery. Ben affirms that he knows that the

cemetery is Sarah's favorite place, adding "I wanted to ask you in front of your family" (49). The proposal, meant to be respectful, is marred by Ben's earlier disrespectful act of urinating on the cemetery fence, symbolizing his ignorance and foreshadowing his racism and violence, qualities that emerge later in the story. This transformation becomes evident as Ben grows increasingly jealous of Sarah's work, culminating in a harrowing scene where he physically assaults and rapes her. Nagle's portrayal of the violence of a white police officer on a Native woman inscribes the broader narrative of Euro-American colonization within the body of her protagonist, taking the history of colonial oppression into the present moment. Sarah's story highlights the intersections of gender, law, and colonialism, addressing the broader implications of legal and sexual violence against Native women. Legal scholar Amy Casselman asserts, "The creation of the United States as we know it was made possible through the violent relocation of Native people [...] to reservations [...] This violent process was legitimated both through a legal system that viewed Native people as problematic and in need of removal, and through social discourse that constructed Native women as inherently rapeable and violable" (22).

During her recovery from abuse, Sarah gives birth to her son and decides to pursue legal action against Ben. This decision, despite the complexities of navigating justice within tribal communities, embodies the resistant tendencies of the Chickamauga consciousness. Sarah's oral argument before the Supreme Court not only contests the power dynamics imposed by the federal government but also secures the sovereignty and safety of Native communities in their own terms. In doing so, she enacts what Scott Lyons terms "rhetorical sovereignty", "the inherent right and ability of peoples to determine their own communicative needs and desires in this pursuit [for self-determination], to decide for themselves the goals, modes, styles, and languages of public discourse" (Lyons 459-50). Sarah's rigorous counter argument refutes the notion that tribal legal systems are inadequate or incapable of fair application, challenging the prejudiced view that undermines the legitimacy and sovereignty of tribal courts.

The narrative of racial inferiority, perpetuated by the Supreme Court is echoed by Ben's dismissive remarks in a previous scene. Talking to his lawyer, he affirms: "tribal jurisdiction over non-Indian American citizens violates the Constitution" and "these courts are legitimate – some elder climbs to the top of the mountain, smokes tobacco,

comes back down with a decision. Seriously. What's that?" (104). In response, effectively challenges the notion that tribal governments, courts, and laws are inherently inferior to those of the states and federal government. Through her argument, Sarah refutes the dismissive claims about the legitimacy and authority of tribal jurisdictions, asserting their rightful place within the broader legal framework. Nagle's staging of Sarah's argument effectively counteracts the claims made by Dollar General in the context of a case involving sexual abuse, where the company argued that tribal law is based on a set of "unwritten laws" and is inherently inferior to U.S. laws. By doing so, Nagle highlights the robustness and validity of tribal legal systems, and asserts that tribal jurisdiction over non-Indians predates the U.S. Constitution, emphasizing that "tribal jurisdiction isn't unconstitutional; it's pre-constitutional" (125).

Significantly, Nagle asserted the same concept in her talk during the Quilt Walk for Justice protest organized on the day of the Supreme Court's hearing of the *Dollar General's* case. She stated: "The U.S. constitution is a document that came into existence because of the democratic principles of our tribal governments, specifically the Iroquois confederacy" ("Mary Kathryn Nagle & Sarah Deer - Quilt Walk for Justice", *YouTube*, uploaded by Indigenous Women Resource Center, 18 December 2015). As a matter of fact, historians agree that "there is ample scholarly opinion and factual data to conclude that the Founding Fathers respected and used American Indian ideas as the American government evolved" (Grinde 4).

Choctaw novelist/playwright LeAnne Howe confirms and expands on this idea in her essay "Tribalography: The Power of Native Stories". She contends that Native American stories argue that America was shaped by a story rooted in the Haudenosaunee (Iroquois) condolence ceremony, which includes the Great Law of Peace. Howe describes this law as an "oral drama recited by seven elders", designed to heal the community (119). The Law of Peace was brought to the Iroquois by Deganawidah, the peacemaker, and spoken by Ayawanta (Hiawatha), who was grieving the loss of his family. By speaking these words, Ayawanta's spirit was healed, and together with Deganawidah, they established a confederacy that later served as a foundational inspiration for the formation of the United States (119). This narrative underscores the enduring significance of storytelling, a tradition that persists in contemporary Indigenous theatrical performances, as *Sovereignty* clearly exemplifies.

In the play, Nagle affirms rhetorical sovereignty by embodying and publicly performing an Indigenous narrative that establishes Indigenous peoples “own communicative needs and desires in this pursuit of self-determination” and that challenges the dominant colonial discourse surrounding Indigenous rights. This not only critiques prevailing legal and societal narratives but also underscores how “law alters community values and knowledge systems in ways that facilitate the political disempowerment of Indigenous women” (Suzack *Indigenous Women’s Writing* 9). Nagle honors and revitalizes Indigenous perspectives, demonstrating their continued relevance for bringing to light issues that are often obscured in legal and social discourses. As previously shown, the legal discussions surrounding the *Dollar General* case failed to adequately convey to the U.S. audience the critical issues underpinning the relationship between the U.S. government and Native nations. These issues are deeply rooted in the colonization process and the resultant government-to-government relationship between Indian nations and the United States. Current federal law, shaped by this historical relationship, defines the legal authority over such crimes and contributes to the ongoing American cultural tolerance of violence against Native women. This body of laws, born from colonialism, continues to impact the legal framework governing interactions between Native nations and the U.S. government, perpetuating systemic issues and injustices.

In *Sovereignty*, Nagle utilizes the restaging of the case to not only critique federal encroachments on tribal rights but also to underscore the resilience and autonomy of Indigenous nations. Through Sarah’s argument, Nagle employs counter-storytelling as a form of “aesthetics of interruption”, which challenges and disrupts prevailing narratives of tribal inferiority. This method replaces the dominant discourse with a powerful, empowering representation of Indigenous sovereignty. Sarah’s speech strategically counters federal overreach by asserting the inherent sovereignty of her nation. Her rhetoric addresses the constraints imposed by U.S. legal frameworks, affirming the fundamental right of Indigenous communities to self-govern and protect their members. The argument reaches its climax with a powerful affirmation of Cherokee sovereignty: “No sovereign, not even the United States, can strip my nation of its inherent right to protect me and my fellow Cherokee women. Thank you. Wado” (125). This statement

serves as a testament to the enduring resilience of Indigenous women and reaffirms the vitality of tribal governance.

2.5.4. Challenging Patriarchal Policies of (Mis-)Representation

In her introductory essay to Muscogee poet laureate Joy Harjo's book *Wings of Night Sky, Wings of Morning Light*, Nagle emphasizes the interconnection between the cultural representation of Native women and the legal storytelling perpetuated by Supreme Court decisions. She asserts that these representations were deliberately created to propagate a false, demeaning narrative that supported and justified Supreme Court decisions instrumental in the removal and genocide of Native peoples (12). In fact, stereotypical images of Native people gained popularity in the 1830s through "redface performance" and coincided with Andrew Jackson's presidency and his aggressive removal policies against Native nations. This era saw the proliferation of the so-called "Indian plays" in theatres, which typically depicted Indigenous peoples as either bloodthirsty savages or noble "Indians" doomed to extinction. Nagle points out that these portrayals were often performed by white actors in "redface", further marginalizing Native peoples in mainstream culture. This exclusion reinforced harmful stereotypes and denied Native peoples the opportunity to represent themselves authentically. By delegitimizing Native voices and perpetuating false narratives, these performances played a significant role in justifying and maintaining colonial oppression. Both the anachronistic portrayals and the exclusion of Native actors normalized the disappearance.

The theater, more than any other literary artistic genre, played a crucial role in embedding these racial caricatures within American culture. Moreover, Nagle observes that the sexualized image of the "Indian princess," originating in nineteenth-century plays, has persisted in American stage productions, Hollywood films, and even in Halloween costume shops (15). This portrayal reduces Native women to sexual objects, depicting them as figures to be conquered and perpetuating a deeply ingrained stereotype across multiple aspects of American culture. Amy Casselman writes, "American colonization has always been characterized by both legal and sexual violence. Since first contact, law has been used to legitimate the theft of Native resources and control of Native communities" (25). The sexualized image of the "Indian

princess” constructed Indigenous women as the virgin frontier, the pure border waiting to be crossed. This imagery created a Native female archetype which, as Elizabeth Cook-Lynn has pointed out, could then be “used for the colonizer’s pleasure and profit” (qtd. in Anderson, 101 – 102). The enormous popularity of the “Indian princess” lay in her erotic appeal to covetous European males eager to claim “new” territory. This equation of Indigenous women with virgin land, open for consumption, perpetuates their exploitation and objectification.

Moreover, it works in tandem with legal narratives that depict Indigenous peoples as “savages” incapable of self-governance and stewardship of their lands. An example of this is the above-mentioned Supreme Court decision in *Johnson v. McIntosh* (1823), which established a precedent still referenced today to justify federal actions against Native jurisdiction. Nagle, a direct descendant of Major Ridge, believes that Native activism can counter injustice. She articulates that assaults on the status of Native women are, in essence, assaults on Native sovereignty itself. Colonialism, she emphasizes, is inherently gendered, illustrating how the historical and ongoing oppression of Native peoples has always included specific attacks on women’s rights and status. In *Sovereignty*, Nagle offers a powerful counter-narrative that challenges colonial stereotypes and highlights the importance of women’s knowledge and leadership in preserving and restoring their cultural heritage and sovereignty.

2.5.5. “Re-membering” Cherokee Law and Matrilineality

As I have demonstrated, *Sovereignty* critiques colonial legal practices by demonstrating how the law has been used to reshape and control Indigenous cultures, often to the detriment of Indigenous women. The narrative highlights how colonial laws have the power to redefine cultural norms and, in doing so, diminish Indigenous identities by undermining tribal sovereignty. Through this erosion of sovereignty, these laws obscure and marginalize core community-centered Indigenous values, particularly those related to culture, history, gender identity, and land. The play reveals how the imposition of colonial legal frameworks not only impacts governance but also disrupts the essential connections that Indigenous communities have with their cultural heritage and their roles within society. In staging the activism of a Cherokee woman and lawyer, *Sovereignty* emerges as a powerful counter-narrative that not only challenges

stereotypes but also communicates “radical relationality”. The term was coined by Melanie Yazzie (Diné/Navajo) and Cutcha Risling Baldy (Hupa, Yurok, Karuk) to explain Indigenous feminist actions that provide “a vision of relationality and collective political organization that is deeply intersectional and premised on values of interdependency, reciprocity, equality, and responsibility” (2). Nagle stages radical relationality by narrating a story that reintegrates Cherokee legal values and traditional clan systems, challenging and reshaping mainstream narratives to align with Indigenous feminist goals. By doing so, the play revives alternative forms of justice that are deeply embedded in Cherokee legal traditions, effectively intertwining the restoration of personal and communal integrity with the reaffirmation of cultural identity and legal sovereignty.

In portraying Sarah Ridge Polson, Nagle constructs a strong Indigenous woman who does not fear to prosecute her abusive white fiancé in the Supreme Court aligns with her fully embracing her heritage as a Ridge. She tells John Ross: “I’m a Ridge [...] I’m a direct descendant. He is my grandmother’s great-grandfather. I should have told you. A long time ago, I know. But then you wouldn’t have hired me. Or maybe you would have fired me. And what am I supposed to say? I am who I am. I can’t change that” (119). In the same dialogue, Sarah tells Ross that she agrees to fight in court, affirming, “If he [Ben, my fiancée, who abused me] can erase sovereignty over my body, he can erase sovereignty over my nation” (118). Sarah affirms the indivisibility of her body from her nation and from the bodies of other Indigenous women. Through her actions, she chooses to perform her activism in a way that emphasizes the interconnectedness of Indigenous peoples and the enduring values that sustain their communities.

This scene immediately follows the historical scene in which Major Ridge signs the Treaty of New Echota. By emphasizing these intergenerational connections, Nagle frames Sarah’s legal action as one that honors the legal obligation to make decisions considering both past and future generations. Moreover, since the legal decision could set a precedent in Federal Indian Law, her actions have the potential to impact Indigenous peoples in the U.S. By taking this stand, Sarah embodies the values of interdependency, reciprocity, equality, and responsibility rooted in radical relationality. In affirming her legacy and deciding to pursue legal action, Sarah argues a case that is deeply personal but also, as Jim Ross affirms, significant to the entire Cherokee nation:

“Look, I know this is personal to you. Deeply personal. But this case is personal to me too. To most Cherokees. To me, it's a responsibility. A duty. An obligation. It's my grandfather's legacy” (109).

In the previous scenes, while recovering from the abuse at the hands of her white fiancée, Sarah expressed doubts about prosecuting her fiancé due to the potential consequences of losing the case in the Supreme Court. She says, “If we drop the charges, if we let him go, his constitutional claims will be moot and there won't be anything for the Supreme Court to decide.” John Ross responds, “We've worked so hard for this,” to which Sarah replies, “We could lose our jurisdiction. The court could say tribal jurisdiction over non-Indians is unconstitutional” (109). By staging Sarah's doubts about the fairness of Supreme Court judgments, Nagle highlights the limits of Federal Indian law, which has the tendency to “harmonize” ongoing political conflicts and, as Cheryl Suzack observes, provides a barrier to “alternative accounts of Indigenous political authority and cultural practice” (8-9).

In *Sovereignty*, Nagle explores what justice means for Indigenous people and proposes that lawsuits are essential acts of decolonization that enact “radical relationality” because, as Bethany Hughes observes about Nagle's 2015 play *Fairly Traceable*, such legal actions “dismantle settler colonial harms and authorities rooted in historical and material reality” and are inherently relational, as “every decision handed down impacts both the present and future” (139). However, Hughes also argues that “the playwright realizes that utilizing settler colonial laws is insufficient to fully express the resistance and sovereignty of Indigenous nations” (139). Following Hughes, I aim to show how in *Sovereignty* Nagle stages legal activism as essential for restoring tribal sovereignty and protecting Native women, while she also expresses the limits of Federal law and the necessity of what Richard Knowles terms “embodied cultural remembering” (136). This approach provides an alternative response to the individual and community dismemberment caused by colonial violence. It emphasizes Indigenous cultural practices as vital to restoring sovereignty and re-centers women's roles as powerful agents of healing and cultural continuity across intergenerational and tribal lines.

Nagle illustrates Indigenous women as crucial carriers of culture and guardians of tribal values, demonstrating that their knowledge and experiences provide critical insights into protecting Indigenous peoples from evolving forms of colonial aggression. This approach offers a vital response to the individual and community dismemberment inflicted by colonial violence. I use the term re-membering as defined by Knowles, which describes it as the artistic task of reconstructing “coherent psychological and social subjectivities through embodied cultural memory” (143). This definition is consistent with its use by scholars Eva Tuck and K. Wayne Yang. In their article “What Justice Wants,” Tuck and Yang argue, “demands for justice *re-member*; they are a kind of ghosting that refuses to forget abduction, violation, displacement, dispossession, and death. They also *re-member* the fragmented social body back together as life that matters in ways beyond the ontological cages of pained plaintiff or object in need of subjection” (7, emphasis mine). In articulating what justice means for Indigenous people, Nagle employs re-membering as an act of decolonization. Specifically, Sarah remembers Cherokee matrilineal law by acting as a healing agent for her family, community, and nation.

The significance of Cherokee matrilineal cultural practices, in which women – not men – passed on Cherokee lineage, becomes central in a family scene that exposes and critiques the imposition of blood quantum policies, highlighting the tension between colonial systems that sought to define Indigenous identity through racialized frameworks and the matrilineal traditions that placed the power of lineage in the hands of Cherokee women. Midway through the play, Sarah and her fiancé, Ben, visit her family for a dinner. Earlier, Sarah had asked her father, Roger, to return to Tahlequah for her upcoming wedding. The dinner, organized by Sarah’s aunt Flora, is meant to formally welcome Ben into the family. Tensions rise during the gathering as Roger, already displeased with Sarah’s engagement to Ben and her involvement with John Ross, directs the conversation towards whether Sarah and Ben plan to have children:

[Sarah and Ben *look at one another*]

Sarah: I think so, yes.

Ben: Yeah.

Roger [to Ben]: They'll be Cherokee Nation citizens?

Ben [*looks around for help*]: Can they? I don't have any Indian blood.

Ben's argument hints at the issue of blood quantum, a concept rooted in white settlers' conception of race relations and historically used to disenfranchise Indigenous peoples from their lands. During the allotment era, the federal government connected the title to the land to "competence," determined through blood quantum distinctions. This indicates the process of moral regulation to which American Indian peoples were subjected. Through the application of the procedures for land allotment in the General Allotment Act, blood quantum codes also became the means to acquiring citizenship (Suzack 145n12). As Daniel Heath Justice observes, the theory behind blood quantum, rooted in the legacy of the General Allotment Act and its legislative successors, defined Indian identity based on measurable "Indian blood," erasing considerations of kinship duties and obligations ("Our Fire" 99 – 100). These communal bonds were far more significant to Cherokee nationhood than the arbitrary designations of blood authenticity. Since distinctive kinship practices and understandings have been primary sources of Indigenous strength and resistance, they have also been primary targets of settler-state policy and practice, with devastating results. Sarah opposes the idea of blood quantum when she affirms: "Sovereignty isn't about race. It's about citizenship" (63), and she answers her father's question: "My kids will be Cherokee because I am Cherokee" (Ibid). Here Sarah is reaffirming the matrilineal clan law in determining legitimate membership in the Cherokee Nation. Under the traditional clan system, Cherokee tribal membership was conferred by birth to a Cherokee woman; as a matrilineal society, the Cherokee were indifferent to the father's ethnicity. The formation of the Cherokee Nation disrupted this system, displacing the exclusive right of Cherokee women to define tribal membership.

Sarah affirms her agency in response to an incredulous Ben, who embodies the white settler mentality that invades the private space of the home, just as he previously invaded the cemetery. When Ben asks, "Do Cherokees follow their mother?", Sarah reaffirms the centrality of women in the clan system and the Cherokee community, emphasizing the importance of women in maintaining and defining tribal identity. Cultural continuity and tradition are further reaffirmed through Sarah's agency in the

healing of family wounds caused by settler colonial actions. During the same scene, the familial gathering results in a heated argument as Sarah accuses her father of abandoning the family. However, the birth of Sarah's child restores the father-daughter bond as we witness Roger's transformation from a cranky and, in view of his past actions, irresponsible man, to a loving grandfather who babysits the child. The stories Roger tells the child reveal the reasons behind his decision to abandon his family:

Roger [*holds Baby Ridge asleep in his arms*]: OK, first things first. When you wake up, Mom's not gonna be here. And that, well, it might feel like a surprise. And you'll be like, who is this guy. He smells like cashews. And Lucky Strikes. But don't tell your mom I smoke. She thinks I stopped. I'm your grandpa. You're my first grandkid. So, you know, I've never done this before. But I raised your mom. And your uncle. They think they had it rough. But me, shit, I was ten when I went to Chilocco. I know the slap you get for speaking your language, and I know the laugh when someone's laughing at you 'cause of who you are. Your mom named you Ridge. Ridge, John Ridge, was my mom's great-grandfather. That's something to be proud of—he was a brilliant man, a fighter. His blood runs through your veins. Never forget that. Just don't tell anyone you're named after him. It's, like, between you and me. Our little secret. The day they find out you're a Ridge is the day they kill you (101).

Roger shares his personal story with his infant grandson, illustrating another way colonialism attacks Native sovereignty by severing cultural ties. He reveals that he attended Chilocco, a real-life residential school founded in 1883 with the aim to civilize, Christianize, educate, and transform American Indian youth. The purpose of boarding schools, such as Chilocco and others across the nation, was to remove Native Americans from their cultures and assimilate them into white society, under the infamous motto coined by the founder Richard H. Pratt, “Kill the Indian, save the child.” Despite this attempted cultural genocide, where children were forbidden to speak their languages and engage in cultural practices, many used traditional stories to make sense of their experiences afterward (Tsianina Lomawaima 167). Roger demonstrates the power of stories and cultural continuity that he retained despite the attempted cultural genocide he experienced firsthand.

2.5.6. Intergenerational Storytelling and Native Oral Traditions

Nagle's critique of how colonial legal contexts impact Indigenous communities, both collectively and individually, is further presented as a disruption of intergenerational transmission of knowledge. In response, Nagle emphasizes the powerful role of traditional storytelling as a source of collective memory and Indigenous values relating to culture, land, and gender identity, capable of fostering healing within families and communities. This is conveyed in a powerful scene where Roger recounts the Cherokee creation story to his infant grandson, partially in the Cherokee language: "El-a-hi a-gv-yi tsi-ge-sv u-wa-na-de-s-gi, wa-ni-ge-i, a-le ga-du-li-da ge-sv-gi. Na-s-gi-no nv-gi di-ni-nv-sa-di du-ni-ya-we-tsv a-ni-ga-ti-yv-I" which translates to, "At first the earth was flat, soft, and wet. The animals grew tired of waiting" (111). While the audience does not hear the entire story, this traditional Cherokee narrative introduces one of the central figures in Cherokee creation stories Selu, or Corn Woman, embodies the traditional gender roles within the Cherokee Nation that have historically empowered the community to resist external colonial pressures and adapt to the disruptions caused by colonialism and the erosion of traditional kinship structures. In recounting the creation story to his grandchild, Roger reaffirms the essential role of Indigenous women as political leaders and healers. They are crucial in nation-building, mending the wounds inflicted by colonial oppression, and passing on the sovereignty of their cultural heritage to future generations. This act of storytelling highlights the enduring significance of Indigenous epistemologies, portraying them as fundamental to preserving and nurturing kinship relations and sustaining cultural continuity. The play thus frames women's knowledge and experiences as crucial to the protection and survival of both the community and the land, highlighting the integral role of Indigenous women in maintaining cultural continuity and resilience against colonial forces.

2.5.7. Radical Relationality and Legal Obligations

In the final scene of the play, Nagle uses intergenerational storytelling and Indigenous concepts of relationality to emphasize the interconnected nature of responsibility and legal obligations that connect past, present and future generations. She presents a framework grounded in Indigenous worldviews that focuses on "relationality, obligation, and active caretaking" (Hughes 129). This idea of "radical

relationality” fosters decolonization and envisions a future that upholds Indigenous sovereignty, communities, and kinship. As Bethany Hughes notes, “radical relationality is a how, not a what; it is a way of being and acting that aligns with specific values—kinship, obligation, reciprocity, and action” (128). Through this lens, Nagle shows how legal obligations extend beyond the present, linking past and future in the ongoing work of Indigenous responsibility and cultural preservation. The scene is set, like the first one, in the cemetery, where Sarah Bird Northrup is burying her husband, Major Ridge, who has been assassinated after signing the Treaty of New Echota, and prepares to flee to Arkansas with her children. Jim Ross and Sarah Ridge Polson enter the Polson Ridge Cemetery with Sarah’s infant son. At this moment, the two sets of characters occupy the same space, erasing temporal divisions. The return of the cemetery evokes an Indigenous cosmological world with a cyclical and circular understanding of responsibilities. This longer temporal horizon of legal obligation shows that actions in the present are driven by responsibilities to the past and, presumably, to the future. Nagle stages the powerful healing effect of Sarah’s actions to mend the wounds at the heart of her Nation. As Jim Ross carries Baby Ridge in his arms, this act symbolizes the resolution of the longstanding conflict between the two factions within the Cherokee community. The newborn embodies the reconciliation and newfound strength that the community has achieved. This process of reconciliation is mediated through Sarah and subsequently passed on to her son, allowing him to acknowledge and honor his ancestors’ legacy and carrying it forward:

Jim Ross [*to Baby Ridge*]: This is your great-great-great-grandfather Major Ridge. Your grandfather, John Ridge, fought to save the sovereignty of the Cherokee Nation. And he won his case in the Supreme Court. Just like your mom (130).

This reconciliation between the Ridges and the Rosses occurs through Sarah’s regained role as a matriarch, where she embraces the responsibilities and obligations inherited from her ancestors. This extended temporal perspective of legal obligation contrasts with Western linear understandings of time, emphasizing responsibilities rooted in the past and extending into the future, represented by Sarah’s son.

In the final lines of the play, Nagle completely blurs the distinction between past and present, enabling Major Ridge's wife, Sarah Bird Northrup, and Sarah Ridge Polson to engage in an intergenerational dialogue across time:

Sarah Bird Northrup: Someday, my children will return.

Sarah Ridge Polson [to Baby Ridge]: Your name is Ridge.

Sarah Bird Northrup: I want them to find him. [Sarah kneels next to John's body.]

Jim Ross: You were born with sovereignty in your blood (130).

Staging a dialogue between future and past generations, Thus, Nagle affirms that radical relationality goes beyond decolonial legal actions, emphasizing the intrinsic link between relationality, responsibility, Indigenous existence, and the future. By challenging colonial narratives, *Sovereignty* highlights the crucial role of Indigenous women in preserving and transmitting cultural heritage and matrilineal traditions, ensuring the continuation of Indigenous sovereignty through future generations.

2.6. Conclusion

I have shown how *Sovereignty* exemplifies Indigenous feminist literary activism through performative counter-storytelling. The play enacts decolonization and reframes the stage as a space for asserting Indigenous performative sovereignty and self-determination. Using an Indigenous feminist literary critical approach, this chapter has explored how Nagle constructs an Indigenous feminist subject that advances decolonization by addressing the gendered outcomes of colonial law, challenging patriarchal cultural practices of misrepresentation, counteracting stereotypes, and embodying "radical relationality". Through the character of Sarah Ridge Polson, Nagle powerfully illustrates the interconnectedness of tribal sovereignty and gender empowerment, showing how these elements are mutually reinforcing. Her character bridges past and present, emphasizing the fluidity of time in Native practices and the continuous impact of historical traumas on contemporary struggles.

Far from just exposing historical wrongs, the play's engagement with intergenerational storytelling and the reassertion of matrilineal clan systems underscores the resilience and continuity of Cherokee cultural and legal traditions. In doing so, Nagle's work firmly locates itself in the tradition of Cherokee literature which is deeply

rooted in the “sheer act of Cherokees asserting their nationhood and cultural continuity through whatever means available” (Justice, *Our Fire* 13). Sarah's journey highlights the importance of reclaiming Indigenous women's roles as cultural carriers and guardians of tribal values, countering the erasure, marginalization, and stereotypes perpetuated by colonial and patriarchal narratives. By staging this narrative, Nagle challenges conventional legal frameworks that often marginalize Indigenous voices and reaffirms the importance of Indigenous legal and cultural practices in the fight for justice and sovereignty. *Sovereignty* thus emerges as a powerful example of how storytelling in theater can serve as a tool for social justice, decolonization, and the affirmation of Indigenous sovereignty.

3. Gendering, Politics, and Tribal Sovereignty: *The Unplugging* and *Canada v. Lavell – Bédard*.

Yvette Nolan, an acclaimed playwright, director, and dramaturg of Algonquin and Irish heritage, has significantly shaped the landscape of contemporary Indigenous theatre in Canada, using the stage as a space to re-enact, reclaim, and reimagine narratives that challenge colonial erasures. Central to Nolan's body of work are two intertwined themes: climate change and the relationships between Indigenous and non-Indigenous peoples. For Indigenous playwrights like Nolan, theatre serves as a critical medium for the enactment of storytelling, providing a platform to interrogate pressing socio-political issues while engaging audiences in a dialogue about their responsibilities within these narratives. As Nolan affirms, "Those are things that I'm curious about, and that I would like to affect in some way. And I do that by telling a story [that] makes people wonder what their role is in the story. Whether it's climate change or their relationships with the people they share the land with" (qtd. in Auger n.p.). In her 2012 play *The Unplugging*, she weaves these themes into a powerful narrative inspired by a traditional Athabaskan story about two elderly women abandoned during a winter famine. Set in a post-technological world where the lights have gone out and won't return, the play examines how communities can rebuild through Indigenous knowledge, relationality, and care for the land.

In this chapter, I explore how *The Unplugging* addresses the constraints that colonial law and legislation impose on the political, cultural, and social authority of Indigenous women, while also demonstrating how their identities and cultural knowledge are essential for social transformation. The analysis aims to show how the play responds to the historical tension between collective sovereignty and the pursuit of women's rights within Indigenous communities in Canada, emphasizing that, despite the marginalization imposed by legal frameworks like the Indian Act, Indigenous women's roles remain central to community revitalization and resistance. To do so, I explore the play in conjunction with the law case *Canada v. Lavell-Bédard*, which emerged in the context of Indigenous women's activism of the 1960s and 1970s and is exemplary of the re-articulation of the Aboriginal women's claims as a struggle between Indigenous rights versus women's rights (Suzack, "Law Stories" 129). By analyzing *The*

Unplugging alongside the legal case, I argue that through *The Unplugging* Nolan offers an alternative account of gender empowerment as a crucial feature of tribal sovereignty and decolonization, challenging the notion that sovereignty is gender neutral (Suzack, *Indigenous Women's Writing* 8). In doing so, *The Unplugging* exemplifies how storytelling and theatre can hold law accountable to its social outcomes, offering a vital space for Indigenous feminist social justice and envisioning new pathways for Indigenous women's socio-political and cultural agency. This approach reinforces the role of storytelling and performance as crucial platforms for addressing the complex interplay between gender and sovereignty.

I begin by examining *The Unplugging* alongside the traditional Athabaskan story it adapts, arguing that Nolan continues the literary activism initiated by Gwich'in author Velma Wallis. Wallis's retelling and publication of the original story faced significant criticism from her Indigenous community and critics for challenging traditional gender roles and established norms. Nolan builds on this legacy, using her adaptation to further question and redefine Indigenous women's roles in contemporary contexts. Furthermore, I situate *The Unplugging's* development and initial staging within the context of the Idle No More movement, which gained momentum in Canada in November 2012, coinciding with the play's premiere at Vancouver's Arts Club Theatre. The Idle No More movement carries forward the legacy of Indigenous feminist activism from the 1960s, emphasizing the crucial role of Indigenous women in resisting colonial legislation that threatens both land and gender rights. I argue that *The Unplugging* highlights Indigenous women's leadership and resilience in the face of exclusion, reflecting the themes of empowerment central to Idle No More's advocacy for Indigenous sovereignty and gender justice. Furthermore, I then provide historical and political background on the Lavell-Bédard case, situating it within the broader gender politics and Indigenous women's rights movements of the 1970s. Through the lens of Indigenous feminist legal theory, I underscore the importance of self-determination and gender empowerment in the legal actions of Ms. Lavell and Ms. Bédard. Finally, I analyze the interplay between gender identity and Indigenous collective sovereignty within Nolan's play, applying a law and literature methodology to explore how the play engages with and responds to these legal and political issues. Through this analysis, I aim to show how Nolan's play "addresses the relationship between tribal sovereignty

and colonial intrusions by highlighting alternative systems of meaning-making in the mythological stories, local activism, and political struggles” led by Indigenous women (Suzack, *Indigenous Women’s Writing* 9).

3.1. *The Unplugging*: From Traditional Story to Contemporary Post-Apocalyptic Play.

The Unplugging adapts a traditional Athabaskan story written by Gwich’in author Velma Wallis and first published in 1993 under the title *Two Old Women*. In Wallis’s retelling, set before Western contact, two elderly women are left behind by their nomadic community because they are seen as a burden. Rather than resigning themselves to die, the women defy the odds and survive the harsh arctic conditions, providing for themselves. Wallis faced criticism from both Gwich’in leaders and Native American critics for her emphasis on the strength and leadership of the two women, which challenged conventional portrayals that often emphasized male dominance in leadership roles (Ramsay 23). Despite this, Wallis’s narrative choices reflect her dual role as both a preserver of cultural heritage and a critical interpreter of her traditions. Her retelling navigates the tensions between authenticity, creative adaptation, and the expectations of her community, illustrating the complexities and transformative potential of Indigenous storytelling in a contemporary context.

Nolan’s adaptation continues this legacy of literary activism by bringing Wallis’s story into the twenty-first century, setting it in a world devastated by a global power outage. In this world without electricity and modern technology, two mature women, Elena and Bernadette, are exiled from a southern survivor settlement due to their age and inability to bear children. Opposing the community’s disrespect, they move to an old cabin in the woods, where they reconnect with the land and begin a new life. Nolan began thinking about writing *The Unplugging* in 2009, after stepping down from her seven-year tenure as artistic director of Native Earth Performing Arts. Reflecting on that time, she explains, “Because I was no longer part of that community, because that community no longer existed, the nature of theatre being what it is, I sat alone and drew on what I had learned” (*Medicine Shows* 92).

Her experience as the artistic director of Canada’s oldest Indigenous theater company gave her insight into the challenges of building community, leading her to

recognize that “communities are never harmonious and frequently turbulent” (Medicine Shows 91). For every production, Nolan’s company would generate a list of values to shape the world of the plays they staged (Medicine Shows 91). She drew on these values – “women, consensus, generosity, elder respect, and connection to land” – to create the foundation for the world that Elena and Bern build together in *The Unplugging* (Medicine Shows 91–92). In the play, these values are embodied in the actions and decisions of Elena and Bern as they navigate their new reality, using traditional knowledge to reconnect with the land and to each other. By grounding the play in these communal values, Nolan situates *The Unplugging* as a reflection of both the challenges and the possibilities for growth within Indigenous communities, emphasizing the crucial role that women play in preserving cultural knowledge and leading efforts toward community renewal.

This focus on Indigenous women’s leadership and cultural continuity is particularly resonant given the timing of the play’s debut in November 2012, which coincided with the rise of the Idle No More movement. Organized and led primarily by Indigenous women, the movement highlighted the interconnected struggles of race, gender, and land rights in the ongoing dispossession of Indigenous peoples (Simpson *As We Have Always Done* 41). Within this context, the post-apocalyptic setting of *The Unplugging* not only underscores the inseparable link between colonialism and the exploitation of land but also emphasizes how Indigenous bodies, especially those of women, remain “ongoing sites of struggle and face constant threats that extend well beyond the living world” (Justice, *Why Indigenous Literatures* 132). The play’s initial development and premiere, therefore, provide crucial insight into how Nolan’s work engages with the interconnectedness between gender, land, and the enduring impacts of colonialism on the lives of Indigenous women.

3.2. The Rise of Idle No More and Its Feminist Foundations

3.2.1. Responding to Legislative Threats: Bills C-45 and C-31

Founded and led by Indigenous women, Idle No More emerged in response to the Harper government’s introduction of Bills C-45 and C-31 – an omnibus bill passed in October 2012 that posed a significant threat to Indigenous land and treaty rights, as well as environmental protections for Indigenous waterways (Coulthard, *Red Skin, White Masks* 24). The founders of Idle No More drew significant attention to suggested

modifications to the Indian Act through Bill C-45, which brings comprehensive changes to various federal laws including the Indian Act, the Fisheries Act, the Canadian Environmental Assessment Act, and the Navigable Water Act. It also modifies regulations for on-reserve leasing, potentially making it easier for special interests to access First Nation reserve lands for economic purposes. Moreover, the Bill potentially weakens environmental protections for lakes and rivers, raising fears of increased pollution and degradation risks. Overall, the passage of Bill C-45 in 2012 triggered apprehensions within Indigenous communities regarding land, treaty, and environmental rights (Coulthard, *Red Skin, White Masks* 161).

As numerous scholars emphasize, Idle No More's political organizing highlights the deep connection between gendered violence and broader issues of land and sovereignty, illustrating how colonialism relies on the marginalization of Indigenous women from political decision-making and community life (A. Simpson 1; Smith 9; L. Simpson, *As We Have Always Done* 115). This connection underscores how violence against Indigenous women is not just a byproduct of colonialism but a fundamental aspect of it. The suppression of Indigenous women's voices serves as a tool for colonial powers to undermine Indigenous governance, which traditionally includes women's leadership and authority. By targeting Indigenous women, colonial structures aim to weaken the social fabric of Indigenous communities, making them more vulnerable to displacement and the erosion of their rights to land and sovereignty.

3.2.2. Indigenous Women's Dual Struggle: Racial and Gender Oppression

Specifically, Indigenous feminist scholars emphasize how both historical and contemporary colonial policies, along with patriarchal practices, have perpetuated significant gender injustice against Indigenous women by enforcing power structures that marginalize them (Suzack, "Indigenous Feminisms" 261). These policies include the Indian Act's gendered provisions, which for decades stripped Indigenous women of their status if they married non-Indigenous men, effectively severing their ties to their communities. Such practices did not just marginalize women within their communities; they reinforced broader colonial goals of assimilation and control by disrupting Indigenous kinship structures and diminishing women's roles as knowledge holders and leaders.

The founders of Idle No More drew attention to the dual oppression that Indigenous women face – both racial and gender-based – highlighting how the introduction of the omnibus budget bill was made possible by systematically excluding women from key political roles and decisions (John, 2015). This exclusion allowed the Canadian government to implement policies that disregarded the environmental, social, and cultural needs of Indigenous communities, including the protection of their lands and waters. The focus on gender equity within the movement challenges the deep-seated colonial and patriarchal values that have long aimed to marginalize Indigenous women.

In fact, as Leanne Simpson states, the oppression of Indigenous women is necessary for Canada to affirm its sovereignty, since they 'house and reproduce Indigenous political orders' (*As We Have Always Done* 115). By suppressing the roles of women who are integral to maintaining and transmitting Indigenous governance and cultural practices, the state attempts to weaken Indigenous self-determination and identity. The very existence of Indigenous women as carriers of political, cultural, and spiritual knowledge poses a threat to colonial authority, which seeks to impose a Eurocentric model of governance and social order. Thus, the struggle for Indigenous women's rights is not only about addressing gendered violence but also about reclaiming the political and cultural space necessary for Indigenous sovereignty and self-determination. Idle No More's emphasis on these issues exposes the intersections of gender, race, and land rights, making it a critical movement for both gender justice and the broader struggle for decolonization. Idle No More's intersectional approach to activism becomes particularly evident in the actions and experiences of Indigenous women leaders like Chief Theresa Spence, whose hunger strike in December 2012 became a powerful symbol of resistance during the rise of the movement.

3.2.3. Theresa Spence's Hunger Strike: Embodied Resistance and the Fight for Indigenous Sovereignty

During the autumn of 2012, another notable event unfolded. In December, Theresa Spence, Chief of the Attawapiskat First Nation, made the announcement that she would embark on a hunger strike until she met with both the Prime Minister of Canada and the Governor General, who stands as the official representative of the Crown. These individuals, serving as representatives of the government, played a pivotal role in the

inability to fulfill their longstanding commitments to the communities residing in polluted environments, who grappled with inadequate access to clean water and suitable housing, especially during the harsh and notoriously cold winters (A. Simpson 4). Her primary objective was to draw attention to the dire housing conditions that plagued her community located in northern Ontario. Furthermore, she aimed to raise awareness about the impacts of Bill C-45 and to show her support for the emerging Idle No More movement. Chief Spence faced harsh criticism during her two-month hunger strike. Both the media and segments of the public began to question the authenticity of her hunger strike. Newspapers and television outlets eagerly reported that Spence was consuming fish broth, attempting to undermine the credibility of her fasting efforts (Rutherford, Dolmage, and Podruchny n.p.). However, the most concerning aspect of media coverage was that it redirected attention solely to her physical appearance. Notably, Chief Spence's physique, particularly her body size, became a focal point of criticism online, on social media, and in printed journalism (A. Simpson, "The State" 5).

According to Audra Simpson, the connection between her body size and her resistance to domination is rooted in the fact that Theresa Spence's very existence – as an Indigenous Woman and a Chief – is an "anomaly" ("The State" 6). Indigenous women in Canada have faced systematic marginalization, frequently vanishing through different mechanisms. As discussed earlier, the case of Lavell exemplified the impact of the Indian Act, which tripped Indigenous women who married non-Indigenous men of their legal status, the right to reside on reserves, the ability to pass on their status to their children, and their political influence within Indigenous governance.

Once again, in 2012, women's bodies became the primary target and focal point of attack within the movement. The distressing degradation of Indigenous women through assaults on their physical selves traces back to deep historical roots for Indigenous communities. Audra Simpson argues that "Canada requires the death and so called "disappearance" of Indigenous women in order to secure its sovereignty" ("The State" 2). Feminist scholars have contended that according to the perspective of settlers, Native women's bodies paralleled the perception of land and, consequently, in the settler viewpoint, the Native woman was "either deemed "unrapeable" or paradoxically, "highly rapeable" (A. Simpson, "The State" 8). This stems from the notion that

Indigenous women, like the land, were treated as a resource to be extracted, exploited, tarnished, and repeatedly consumed.

Indigenous women's bodies were already subjected to violation and vulnerability, all in the relentless pursuit of accumulating surplus through so-called "production". Thus, colonization of First Nations became possible through gender-based violence and the forceful imposition of European gender roles upon Indigenous societies (Smith 9). Historically, Indigenous women's bodies have been devalued because they are associated with alternative systems of land stewardship, reproduction, kinship, and governance - systems that challenge the norms of heteropatriarchal descent and rule. Within this context, Chief Spence made a bold declaration by treating her body as an exception. Through this act, she transformed her own body into a platform to voice her needs and assert her sovereignty (Simpson 8).

3.2.4. Continuing the Legacy of Indigenous Women's Activism: Idle No More

The political organizing of Idle No More's women builds upon the activism of Indigenous women from the 1960s and 70s, who fought against the Indian Act's sexist provisions, demanding recognition and rights that had been denied to them. Key examples of this earlier activism are the two landmark cases *Lavell v. Canada* (1971) and *Bédard v. Isaac* (1972), which concerned the loss of membership status and the associated right to live on the reserves of two Indigenous women, Mrs. Jeannette Lavell and Mrs. Yvonne Bédard, due to their marriages to non-Indigenous men. In both cases, the women contested the discriminatory clauses of the Indian Act, arguing that these provisions violated Canada's 1960 Bill of Rights (Coulthard, *Red Skin, White Masks* 85). As Cheryl Suzack argues, the cases were exemplary of the re-articulation of the Aboriginal women's claims as a struggle between Indigenous rights versus women's rights ("Law Stories" 129). The cases, which are along with the Indian Act legislation they reference, reveal how colonial governmentality practices work in tandem with the oppression of Indigenous women. On one hand, they erase gender specificity, while on the other, they reinforce normative colonial interpretations of gender identity.

The critical engagement of Indigenous women artists and activists during the Idle No More movement reflects a long-standing historical tension between gender equality and collective sovereignty within Indigenous communities in Canada—a tension that

was brought to the forefront during the *Lavell-Bédard* cases. As these cases progressed through the courts, Lavell and Bédard faced criticism from some Indigenous communities for challenging the discriminatory provisions of the Indian Act, as their legal battles were seen as prioritizing individual rights for Indigenous women over the collective rights of First Nations communities. Supporters of the disenfranchisement of Lavell and Bédard were unanimous in defending the Indian Act membership model, arguing that it represented the sole legal framework in Canada for recognizing the rights and distinct status of Indigenous peoples. They contended that altering this framework posed a significant risk of undermining Indigenous bands' ability to exercise their fundamental "sacred rights" to self-governance under the Indian Act (Barker, "Gender" 135).

According to Joanne Barker, the invocation of " 'sacred right' associates rights, and the character of the bands from which they derive, with a sovereignty that is inherent and immutable" ("Gender" 138). This perspective aims to position Indigenous rights as timeless and beyond the scope of legal scrutiny, effectively limiting power to existing governing structures and isolating politics from cultural and historical change. Consequently, by challenging the discriminatory provisions of the Indian Act, Indigenous women were, according to this framework, not only contesting the rights of the bands but also undermining their sacred character. This argument implied that women's attempts to claim equal rights could be perceived as weakening the sovereignty of the bands, positioning them as adversaries to the very structures that were supposed to protect Indigenous governance. Joanne Barker argues that this "discursive divide" between gender and sovereignty constitutes the main impediment to any lasting legal reform for Indigenous women and it is a crucial issue that has percolated throughout Canadian Native politics ever since ("Gender" 151).

3.3. The Role of Storytelling in Indigenous Women's Activism: Ongoing Struggles for Decolonization

I argue that both Velma Wallis's retelling of the traditional Athabaskan story and Nolan's adaptation critically engage with the risks posed by arguments that frame Indigenous rights to self-governance as timeless and spiritual, which can reinforce gender-based marginalization within Indigenous communities. Their storytelling offers

a vision of how Indigenous women can reclaim their roles through storytelling and community leadership. Both Wallis and Nolan reorient authority away from colonial law and traditional political power structures, instead grounding it in Indigenous women's storytelling and creative expression. This reorientation from colonial law to Indigenous women's stories restores the relationality that colonial policies sought to erase, highlighting the ongoing need for Indigenous feminist interventions in both legal and cultural contexts.

Wallis's retelling of the traditional Athabaskan story and Nolan's adaptation for the stage demonstrate the power of storytelling as a form of gender justice activism. Wallis, through her mythological narratives and the risks she took in sharing them, breaking community's protocols, and Nolan, through her artistic recognition of the political implications of bringing these stories to the stage, both highlight how storytelling can serve as a powerful tool for social and political engagement. In this context, the timing of the play's premiere in November 2012, as the Idle No More movement was gaining momentum, is far from coincidental. Nolan's play reflects her deep engagement with the Idle No More movement's resistance to the Harper government's legally sanctioned encroachments on Indigenous lands. This resistance is intrinsically linked to the experiences of Indigenous women, emphasizing a central principle in Indigenous feminism: the deep interconnectedness between the bodies of Indigenous women and the lands they care for (Yazzie and Rising Baldy 8).

Idle No More, alongside artists and writers like Yvette Nolan, underscores that the struggles initiated by Indigenous women in the 1960s and 70s are far from over, despite Canada's claims of being a nation that has "reconciled the violence of the past with its present and so, presumably, with this acknowledgment of wrongdoing, may move on" (A. Simpson 2). The convergence of activism against the Missing and Murdered Indigenous Women's epidemic with land-based struggles against resource extraction, which coalesced into the Idle No More movement, demonstrates that these issues remain far from resolved. While the courts and some Indigenous communities may consider these matters settled, Indigenous women artists and activists continue to challenge the colonial legal narratives that perpetuate their marginalization. Through their work, they resist the ongoing impact of colonialism and assert the need for continued critical engagement with these histories for true decolonization to happen.

3.4. Gender Violence and the Evolving Policies of the Canadian Government Against Indigenous Women

3.4.1. Indigenous Women and the Indian Act

Originating in 1869, the Indian Act underwent a gradual transformation from an amalgamation of diverse colonial laws that pertained to Indigenous communities throughout Canada. Through the Act, the Canadian government articulated its vision for the future relationship between Canada and First Nations. This legislative framework encompassed a multitude of colonial regulations that were designed to dismantle First Nations culture, ultimately facilitating assimilation into Euro-Canadian society. The Canadian Indian Act delineates the regulations and protocols governing band governance, in addition to specifying the conditions of occupancy and utilization of trust lands and reserves. In 1876, an amendment to the Indian Act was introduced, which defined “Indian status” based on patrilineal lineage (Barker, “Gender” 130). Consequently, men with status could transfer their status to their wives and offspring; women retained their status within their father’s band until marriage, if it occurred. When a status-affiliated woman married a man without status, she forfeited her status within her birth band. Conversely, if she married a man with status, her status would be contingent upon his band affiliation (*Indian Act 1876*, 3 (d)). In response, some Indigenous women chose not to register their children’s births or withheld information about paternity to avoid the legal consequences of losing status (Fiske and George 53 – 54). This tactic protected their identity and status but also complicated traditional kinship lines by placing paternity in jeopardy, reflecting a strategic resistance to the colonial framework imposed by the Act. The amendment underscored the complex nuances surrounding the status of women’s membership within bands.

As Joanne Barker notes, some of the most worrying consequences of the Act consisted in “the corrosion and devaluation, however uneven and inconsistent, of Indigenous women’s inclusive participation within Indigenous governance, economics, and cultural life” (“Gender” 131). For Barker, the Indian Act was merely the tip of the iceberg within a protracted colonization process that affected Indigenous communities. Her analysis reveals how deeply entrenched patriarchal, heterosexist and homophobic ideologies molded over time the very fabric of Indigenous perspectives and actions, culminating in the establishment of oppressive social conditions within Indigenous

social dynamics and personal relationships. According to Barker, the provisions concerning status in the Indian Act normalized sexist ideologies and practices that stemmed from a prolonged historical process in which Indigenous men's roles gained prominence and authority, while women's roles were devalued and marginalized. For Indigenous societies that were matrilineal, with gender roles emphasizing equality and distinctiveness for men, women, and other genders, the disruption of these customs and beliefs among Indigenous people resulted in a disconnection from their cultural heritage, spoken histories, convictions, and traditions (132). Ultimately, the Indian Act's regulations on status encapsulated the influence of Christianity, capitalism, and Western patriarchal ideologies, all of which systematically elevated the social roles and responsibilities of heterosexual Indigenous men within bands and reserves above those of women and non-heterosexual individuals (ibid).

3.4.2. Indigenous Resistance and Mobilization (1960s and 1970s)

Indigenous peoples in Canada have persistently opposed the state's agenda of assimilation and oppression. Yet, it wasn't until the late 1960s and early 1970s that their efforts began to attract the attention they deserved on a national – and international – scale (Coulthard, *Red Skin, White Masks* 84). This heightened mobilization can be traced back to Prime Minister Pierre Trudeau's policies. First appointed in 1969, Trudeau voiced his intention to eliminate state-sanctioned discrimination against Indigenous nations, a stance that, on the surface, seemed promising. He claimed inspiration from global human rights movements and engaged in public forums to ostensibly incorporate Indigenous viewpoints (Barker, "Gender" 134). However, Trudeau and Jean Chretien, minister of the Department of Indian Affairs and Northern Development (DIAND) ignored Indigenous testimonies, attributing reserve issues to the "special" status and benefits that Natives had under the law. Their reform plan aimed to terminate treaties, repeal the Indian Act, transfer responsibilities, and implement urban employment initiatives (Barker, "Gender" 134). This approach was viewed by Indigenous communities as a direct assault on their sovereignty, representing a culmination of Canada's assimilationist policies. Nationwide protests were orchestrated to critique Trudeau's approach. The National Indian Brotherhood emerged in this period and was recognized by Parliament, DIAND, and the majority of band governments as a

representative of individuals with lawful and legitimate claims to Indian status under the Indian Act.

3.5. Legal Challenges to Gender Discrimination: The Lavell-Bédard Case and Its Legacy

3.5.1. Challenging Section 12(b): Background of the Lavell and Bédard Case

Meanwhile, Jeanette Corbiere Lavell and Yvonne Bédard legally challenged the infamous section 12 (b) of the pre-1985 Indian Act, which stripped Indian women who married anyone other than a status Indian man of their Indian status, rights to live on reserve, and ability to pass status on to their children. The case prompted the establishment of several Indigenous women organizations (Green 71), such as Indian Rights for Indian Women and The Native Women's Association of Canada, that played a crucial role in advancing the struggle of Native women against the patriarchal framework of Indian legislation. Lavell and Bédard's case remains a crucial event in debates concerning the relationship between Indigenous collective sovereignty and the equal rights claims of Indigenous women. Lavell's dedicated activism, along with the support of her advocates, eventually resulted in the 1985 amendment to the Indian Act, which was incorporated into the Constitution through the Charter of Rights and Freedoms. This achievement led to Lavell's reinstatement within her community. However, these amendments inadvertently established a hierarchy of status that perpetuates the discriminatory elements present in the pre-1985 Indian Act (Green 77). In the following section, I present an overview of the legal proceedings and delve into an examination of the criticism and debates raised by the case.

3.5.2. Parallel Struggles for Justice: The Interwoven Legal Battles of Jeannette Lavell and Yvonne Bédard

In 1971, Jeannette Lavell, a Nishnawbe woman from the Wikwemikong band on Manitoulin Island, Ontario, who had founded the Native Women's Association of Ontario and held the position of vice president in the Native Women's Association, initiated the legal process of Canada challenged the removal of her name from the Wikwemikong band list after marrying David Mills Lavell, a non-Indigenous man from Toronto (Suzack, "Law Stories" 118). Jeannette Lavell claimed that her removal from the band list after marrying a non-Indigenous man discriminated against her on the basis of sex violating the equal rights provision of Canada's Bill of Rights. Despite this, the

Judge held a contrary view, arguing that Lavell's voluntary marriage equated her obligations and privileges with those of other Canadian married women. The Judge stated that Lavell, having "entered into a voluntary marriage," acquired the "status" of a married woman, assuming identical responsibilities "imposed on all other Canadian married females" (*Re Lavell and Attorney-General of Canada*, [1971]). Leveraging her elevated position as a married woman, and now as a Canadian woman no longer affiliated with an Indigenous band, Judge Grossberg maintained that Lavell's human rights and freedoms, as safeguarded by the Canadian Bill of Rights, remained intact. Consequently, she could not assert deprivation of "equality before the law" (393). As a result, the appeal was dismissed, affirming the decision to remove Lavell's name from the band list. Subsequently, Jeannette Lavell pursued her case by appealing to the Federal Court of Canada. The appellate court disagreed with the previous court ruling and voted unanimously in Lavell's favor, referring the case back to the previous court to be "disposed of on the basis that the provisions of the Indian Act are inoperative to deprive the applicant of her right to registration as a member of the Wikwemikong Band of Indians" (*Attorney General of Canada v. Lavell*, 1353).

Yvonne Bédard, was born an Iroquois from the Brantford Reserve in Ontario, had married a non-Indigenous man and lived with him off-reserve for six years until they separated. After divorcing from her husband, when she returned to the reserve, the Council of Six Nations informed her that she should vacate the property and cease residing in the house after fourteen months. Ms. Bédard's case was presented to the Ontario High Court of Justice. Bédard contended that the ruling to leave the Six Nations reserve and the removal of her name from the Band Register amounted to "discriminatory actions based on her race and gender" and that she had been unjustly deprived of her "entitlement to property enjoyment". Employing a similar line of reasoning to that of Lavell, Bédard pursued legal action by filing for an injunction to prevent the Six Nations Council from expelling both her and her two infant children from the reserve. Additionally, she sought a legal determination on the prevailing interpretation of race and gender differentiations within the context of Indian Act legislation.

The Lavell and Bédard cases became intertwined through the decision of Judge Osler from the Supreme Court of Ontario, who invoked the Lavell case as a precedent

set by the Federal Court's Appeal Division. This pivotal decision reinstated Jeannette Lavell as an official member of the Wikwemikong Band, thereby forging a significant legal connection between the two cases (Suzack, "Law Stories" 119). Judge Osler emphatically concluded that discrimination because of sex profoundly affects an individual's right to property enjoyment. He went on to assert that the consequences of losing one's Indian status, along with the accompanying loss of registration and property rights within a Reserve, represented a form of gender-based discrimination that directly conflicted with the principles of the Canadian Bill of Rights. Judge Osler further ruled that any actions undertaken by the Band Council or the District Supervisor under the guise of section 12(1)(b) were rendered null and void (Hogg 264). In response, Bédard successfully obtained an injunction that effectively prevented the Six Nations Council from evicting her from her residence. Furthermore, an order was issued to overturn the Band Council's resolution that had initially compelled Bédard to relinquish her property.

3.5.3. Controversy and Backlash: Community Reactions to the *Lavell-Bédard* Case

The restoration of Lavell and Bédard to their positions within the band membership, along with the acknowledgment by the Supreme Court of Ontario regarding Bédard's entitlement to occupy property on the reserve, sparked significant controversy. Before the Supreme Court's ruling, Lavell and Bédard faced severe criticism from Indigenous communities and leadership, with allegations that their actions were undermining Indigenous self-governance (Barker, "Gender" 137). Indigenous men leaders condemned Lavell and Bédard as proponents of individualistic and entitlement-based rights, labeling them as "women's libbers" trying to impose these values on Indigenous communities. Thus, their concerns about sexist practices within their communities were either ignored or undermined, depicting their efforts as anti-Indigenous (Barker, "Gender" 137).

In January 1973, both women appeared before the Supreme Court of Canada as respondents in an appeal launched by the Attorney General of Canada in Lavell's case and representatives from the Council of Six Nations in Bédard's. Several organizations and individuals were granted intervenor status in the legal proceedings, based on their political stances concerning the Indian Act legislation (Suzack 2005, 121). They

participated either as intervenors supporting the reinstatements of Lavell and Bédard or opposing them. On the one hand, supporters of Lavell's cause were united against the discriminatory provisions of the Indian Act. On the other, opposition to Lavell's and Bédard's reinstatement favored the membership provisions in the Indian Act but, as Suzack notes, they interpreted them as "special status" that protected the customs and practices of Indian communities (Factum of the Treaty Voice of Alberta Association quoted in Suzack, "Law Stories" 121) and national and provincial Indigenous organization supported the Indian Act legislation shoring a definition of self-government that "depended solely on the degree to which bands enjoyed governmental non-interference" (Barker, "Gender" 138).

In other words, the effectiveness of band governance and the affirmation of Indian sovereignty were viewed as being directly tied to the extent of freedom from governmental interference that bands could achieve. While the Indian Act itself was criticized for being fundamentally flawed and discriminatory, it was considered a strategic tool – referred to as a "lever" (Cardinal 140) – that Indigenous bands could use to assert their rights and challenge the Canadian government. The Treaty Voice of Alberta Association claimed that "the customs of the Indian people are exactly the provisions set out in the Indian Act" (quoted in Suzack, "Law Stories" 121). In a quintessential maneuver that rejected the gender bias present in official state policy while upholding the racial dynamics inherent in the Indian Act legislation, the Supreme Court supported the appeals made by the Attorney General of Canada, national and provincial Indian organizations, and the Council of Six Nations. Jeannette Lavell and Yvonne Bédard saw their status as Indigenous women revoked, leading to their expulsion from their respective reserve communities.

Indigenous feminist scholars agree that the story that emerges from the Lavell and Bédard case is clearly one of injustice and the product of "the state's paternal desire to protect women from participating in a system designed only for men" (Gotell 5.) Colleen Glenn, a Métis feminist from Alberta and an active member of the Indian Rights for Indian Women organization, affirms: "Jeannette was looking after her interests, and everyone else's interests, her children's, her relatives. The interests of the Aboriginal community, period. Anybody who thinks that removing women from the community is going to give you a stronger society has got something missing

somewhere. It just doesn't work that way" (121). Glenn's statement highlights the two main goals of Lavell's activism: first, to eliminate the prejudiced regulations that employed gender-based standards to establish membership, consequently promoting disregard for Indigenous women and their children; and second, to present a concept of collective self-determination as an expression of individual autonomy rooted in a sense of inclusive collective identity (Nedelsky "Reconceiving" quoted in Napoleon "Aboriginal" 41).

3.6. Gender and Tradition in *Lavell - Bédard v. Canada: Sacred Rights and Legal Reform*

3.6.1. Sacred Rights and the Indian Act

The Lavell-Bérard case has been crucial in the debates to separate the gender behavior of women from its connection to tradition and customs that were held as sacred to the survival of Indigenous nations. Supporters of the disenfranchisement of Lavell and Bérard were unanimous in its defense of the Indian Act membership model, viewing it as a representation of authentic Aboriginal cultural practices. This standpoint was expressed by Harold Cardinal, a Cree author and president of the NIB. In his bestselling book *The Unjust Society* (1969), Cardinal argued that the Indian Act represented the sole legal framework in Canada for acknowledging the rights and distinct status of Indigenous peoples. He cautioned that any tampering with this framework posed a serious risk of severely weakening Indigenous bands' capacity to exercise their fundamental "sacred rights" for self-governance under the Indian Act (Barker, "Gender" 135). According to Joanne Barker, the invocation of "sacred rights", associates rights, and the character of the bands from which they derive, with a sovereignty that is inherent and immutable" (138). This perspective seeks to make Indigenous rights timeless and beyond the realm of legal review in ways that limit power to already established governing structures, placing politics beyond the reach of culture and historical change.

In my analysis, I focus on the arguments supporting the court's decision through the lens of Indigenous legal feminism, a framework described as "intersectional, attentive to power, anti-colonial, anti-essentialist, multi-juridical, and embraces a spirit of critique that challenges static notions of tradition, identity, gender, sex, and sexuality" (Snyder 2018, 401). This approach allows for a deeper examination of how the concept of

“sacred rights,” positioned as being above the law and beyond the reach of legal scrutiny, has contributed to the political marginalization and increased vulnerability of Indigenous women. By critically analyzing the invocation of “the sacred” in legal discourse, I reveal how this framing often serves to silence or diminish the rights and voices of Indigenous women, leading to adverse outcomes in legal cases.

3.6.2. Indigenous Legal Feminism Theory (ILFT) and Women’s Rights: Balancing Tradition and Gender Justice

In a groundbreaking essay, Emily Snyder, Val Napoleon, and John Borrows emphasize that addressing gender violence within Indigenous legal contexts requires a careful, nuanced approach. They argue that discussions surrounding motherhood, particularly when framed within cultural and traditional narratives, must be subjected to scrutiny. This critical attention is equally necessary when “the sacred” is invoked, especially when it is framed as something that is beyond human understanding or examination. As they assert, “[w]hile we believe much can be considered sacred in the world, we do not believe this label should shield justifications for gendered violence and the subordination of women against human inquiry and interrogation” (612). Their argument underscores the importance of maintaining a balance between respecting cultural traditions and ensuring that those traditions do not perpetuate harm or restrict the rights of Indigenous women.

The case of Ms. Lavell exemplifies this tension between cultural traditions and legal rights. In her legal activism, Lavell highlighted that her challenge to the Indian Act was not merely about women’s rights but also a broader question of “human rights,” encompassing issues of race and the freedom to marry whomever one chooses (*Globe and Mail*, February 22, 1973). Lavell’s argument centered on the fundamental human dignity of choosing a life partner without the obligation to relinquish one’s identity or ties to one’s community. Her struggle, therefore, not only questioned legal frameworks but also challenged cultural norms that restricted women’s agency and autonomy. Lavell’s case emphasized the pivotal role that Indigenous women play within their families and communities, bringing attention to the multifaceted challenges they face both within their communities and in Canadian society at large.

In claiming agency for herself and her children, Lavell embodied what Cheryl Suzack describes as an emerging feminist consciousness, one that “accord[s] Indigenous women personhood status in their own right as individuals bearing self-worth, selfhood, and inherent dignity” (2017, 21). Lavell’s fight for recognition and equality underscored the importance of acknowledging Indigenous women’s identities beyond their roles as cultural bearers, advocating for their rights as individuals deserving of equal protection under the law. By examining the intersection of legal rights and cultural traditions through the lens of Indigenous legal feminism, my analysis reveals the complexities and challenges of advocating for gender equality within Indigenous communities, especially when cultural beliefs are positioned as inviolable.

3.6.3. Political and Legal Implications of the Supreme Court Decision in *Lavell-Bédard*

In examining the case, I focus on the supporters of the Court’s final decisions to show how Indigenous women’s political disposability and exclusion are two consequences of the Lavell – Bédard case. The Indian Brotherhood and other organizations that opposed the reinstatement of Lavell and Bédard presented their arguments through *intervenant factum*⁶ submissions. These arguments restricted the gender identities of Indigenous women in two significant ways. Firstly, they endorsed the patriarchal foundations of the legislation by defending section 12 of the Indian Act, asserting that “it was merely representative of aboriginal, and indeed Canadian, culture and tradition of determining the fate of the family unit based on the male spouse”. They listed three main reasons why they believed in section 12 of the Indian Act: they maintained that women were generally economically reliant on their husbands, so likely to move in with them – likely off-reserve – after marriage; they believed that prescribed social and economic roles allocated to men and women within Canadian society meant that having non-status women residing on a reserve would have a lesser impact than having non-status men living there; and finally, they cited a “long-standing legislative policy in Canada” that considered the man as the “head of the family” (Hooper 38).

⁶ An *intervenant factum* in Canadian law is a written submission provided by an intervener—a third party not directly involved in a case but with a significant interest in its outcome. Interveners, often advocacy groups or organizations, offer additional perspectives that may aid the court in understanding broader implications of the legal issues at hand. Their contributions are meant to present a “different perspective” that can assist the court beyond the arguments of the main parties (*R. v. Finta*, [1993] 1 SCR 1138). Intervener factums help to ensure that the court considers wider social, legal, and policy impacts in its decisions (*Rules of the Supreme Court of Canada* (SOR/2002-156) 42 (a,b), <http://laws-lois.justice.gc.ca>, accessed October 2024).

Consequently, these arguments relegated women's identities to their roles as wives and mothers within the community.

The depiction of the Indian Act as a reflection of “aboriginal culture and tradition” bestows an elevated status on culture as a foundation of societal stability, within which unjust gender practices and exclusions acquire a measure of legitimacy (Das quoted in Suzack, *Indigenous Women's Writing* 21). As elucidated by the statements contained in the factum submissions, the claims concerning native sovereignty put forth by the Indian Brotherhood and its co-interveners prompted the court to consider the positioning of women within both the familial structure and Indigenous culture. These evaluations play a pivotal role in concealing the gender bias highlighted in Lavell's case. They confine the potential gender identities that Indigenous women can envisage through mechanisms that primarily associate Indigenous women's gender identity with motherhood, family, and nation (Suzack, *Indigenous Women's Writing* 29). Emma LaRoque argues that when “the narrative of motherhood is cast in the context of culture and tradition, it often portrays women's domestic roles as empowering and culturally significant” (1996, 11 – 14). This notion of “balance” might actually serve as “a new buzzword for maintaining women in domestic and nurturing roles” (Ibid). Furthermore, these assessments relegate Indigenous female identity to an idealized historical past and they diminish Indigenous feminist politics through the belief that the affirmation of the collective rights of First Nations will in itself secure the rights of individual native women” (Vickers et al. 9). As Cheryl Suzack argues, theories that advocate for the cultural authority of Indigenous women necessitate a fundamental understanding of gender identity that doesn't limit the humanity of women, including the avoidance of unquestioned assumptions about conventional gender norms (2017, 30). Such a theoretical perspective is encapsulated in the notion of human dignity, as exemplified by Ms. Lavell and Ms. Bédard's claim.

3.6.4. Bill C-31 and Its Aftermath: Continued Struggles for Gender Equality

After the passage of Bill C-31 in 1985, resulting in amendments to the Indian Act, Lavell was reinstated, alongside her three children. Nonetheless, Bill-31 and its amendments continued to exhibit bias by delineating distinct membership categories under sections 6(1), 6(2). This classification established a hierarchy of status that

adversely affected reinstated women and their offspring, consequently perpetuating the gender-based discrimination that was present in the Act prior to its 1985 revision (Green 77). Section 6(2) grants status for a person's lifetime if they have only one status parent, limited to their generation. Those under section 6(2) need to have children with another status person for their descendants to maintain status, known as the "second-generation cut-off" rule (Fiske and George 53). This cut-off poses challenges, especially for women (FAFIA Brief to the Senate Committee on Aboriginal People 2022, 2). As Val Napoleon notes, a significant critique of Bill C-31 is that it essentially shifted the burden of discrimination from Indigenous women to their offspring, including children and grandchildren. This transition of discrimination is evident in the lives of Lavell's grandchildren. While her grandson has status due to being the child of Lavell's now-status son and a status Indian woman, her granddaughter lacks status as she is the child of Lavell's status son and a woman without status. Consequently, within the same family, children are designated differently, leading to legal, political, economic, and identity-related consequences. The Indian Act's discriminatory impact continues to affect children unequally (Green 77).

3.6.5. Reconciling Collective Sovereignty and Gender Equality: Relational Autonomy and the Legacy of Lavell's Activism

I argue that to fully grasp the political significance of Ms. Lavell's activism, it is essential to recognize that the collective rights of First Nations must not be framed as being in opposition to the rights of Indigenous women. Collective sovereignty and gender empowerment are not inherently contradictory; instead, they should be viewed as complementary forces that can strengthen each other. In this light, Lavell's activism challenges the assumption that advancing the rights of Indigenous women somehow undermines the sovereignty of First Nations. Legal scholar Jennifer Nedelsky's reconceptualization of autonomy, emphasizing its inherent social dimensions, significantly deepens and enriches this perspective. Nedelsky emphasizes the influence of individual relationships in shaping autonomy, alongside an internal sense of self-governance (qtd. in Napoleon, "Aboriginal" 41). As Val Napoleon highlights, at the core of this concept is the necessity that individuals belonging to Indigenous First Nations, women included, must authentically feel a sense of autonomy. This autonomy flourishes through active engagement in expansive self-determination initiatives.

Moreover, the relationships that foster relational autonomy by providing the essential freedom and support for individuals to shape their own lives must be actively recognized and acknowledged as integral components of self-determination (2005, 41). This relational autonomy is grounded in the recognition of human rights for every individual, a concept that is at the core of Ms. Lavell's activism. Harmonizing the objectives of collective and individual self-determination emerges as an immediate, politically vital, and mutually reinforcing endeavor.

This emphasis on relational autonomy which underscores the importance of harmonizing collective and individual rights, represents an effort that became particularly urgent in Jeannette Lavell's legal battle. In Lavell's first hearing at the York Judicial District County Court, her legal representative argued that the removal of her name from the band list amounted to discrimination based on her sex. According to the provisions in section 12(1) (b) of the Indian Act, Lavell's status as an Indigenous woman was revoked due to her marriage to a "non-Indian man". Ms. Lavell claimed that the Supreme Court's final decision amounted not just to a loss of membership for women but also meant that "they could no longer live on the reserve and lost the right to own land or inherit family property [...] They could not receive treaty benefits or participate as elected members of band councils, political or social affairs in the community and they lost the right to be buried in cemeteries with their ancestors".[1]

By claiming that the ordinance's rules exposed Indigenous women to individual and social violations, Lavell's argument illuminated how gender identity functions as a "proxy" (Suzack, *Indigenous Women's Writing*, 31) to various other forms of disadvantages supported by the state and maintained through colonial legal mechanisms – such as loss of property and political rights and expose them to harms outside of their communities. Secondly, her efforts depicted how gender identity becomes a determinant in the valuation of Indigenous women, often rendering them expendable within the framework of membership criteria imposed and endorsed by their respective bands. These harms infringe on selfhood and denigrate identity in several important ways. Ms. Lavell emphasized, "Having grown up on the reserve and witnessing our community dynamics while listening to the wisdom of my grandmothers, aunts, and my mother, I came to recognize the incredible strength of our women within the community. They have consistently been integral to the entire community fabric, being treated with the

utmost respect and contributing to a harmonious balance” (“Transcript: Indigenous Women’s Fight”, *Rise Up Digital Archive* n.p.). As previously stated, depriving women of the right to cultivate connections within their community, connections that are essential for expressing their unique individuality in ways that hold societal significance subject them to a series of injustices that progressively erode their foundational sense of self-worth (Suzack, *Indigenous Women’s Writing* 32).

3.6.6. The Lavell-Bédard Case’s Legacy: Challenging Traditional Roles and Expanding Indigenous Women’s Identities

The adversities Lavell highlighted encompass tangible repercussions not only for her but also for fellow women facing analogous circumstances, like Yvonne Bédard. Ms. Lavell’s assertions further solidify a notion of self-determination that encompasses a constellation of human rights principles. This idea is rooted in the foundational belief that every individual is inherently entitled to determine the course of their own destiny (Anaya 95). The 1973 verdict issued by the Supreme Court significantly placed Indigenous women in a disadvantaged position by depicting them as expendable entities within the process of shaping cultural values. This unfortunate stance aligns with the endorsement of prejudiced concepts that eroded their gender identity. This situation magnifies the feminist standpoint that “gender norms are shaped by societal constructs rather than emerging from an innate ‘authentic’ identity” (Reaume quoted in Suzack, *Indigenous Women’s Writing*, 33). The Lavell-Bédard case brought to light the substantial influence of the law in undermining the social standing of Indigenous women within their respective communities. It also highlighted that efforts towards gender equality have frequently restricted the range of potential gender expressions that Indigenous women can encompass. These constraints have predominantly linked the gender identity of Indigenous women through the invocation of the traditional quality of their roles. I concur with Cheryl Suzack’s argument that more diverse information about the gender roles of Indigenous women is needed in order to enhance the ideas put forth by anti-discrimination scholars, who propose that eradicating the social importance of imposed inferiority is a challenging task; the group’s historical association with various negative connotations renders them susceptible to ongoing devaluation (Suzack, *Indigenous Women’s Writing*, 34).

Building on Suzack's call for a deeper understanding of Indigenous women's roles to strengthen anti-discrimination efforts, I explore how Yvette Nolan's *The Unplugging* directly confronts dominant norms in both legal and societal discourses. Her dramaturgy presents a direct challenge to the dominant norms surrounding Indigenous women, as manifested in legal and societal discourses. Her work exemplifies how gender identity can serve as a dual dynamic: a vehicle through which Indigenous women encounter oppression as well as the cornerstone of their societal identity, pivotal to the process of community recovery and healing.

3.7. Reimagining Resistance: Indigenous Women's Activism and *The Unplugging*

In *The Unplugging*, Yvette Nolan uses the story of Bern and Elena to illuminate the enduring struggles faced by Indigenous women, connecting their experiences to a broader history of Indigenous women's activism. The play's depiction of the two women's exile reflects the painful reality of objectification, silencing, and displacement that Indigenous women have confronted over centuries. I contend that through the staging of two disenfranchised women's bodies, Yvette Nolan sheds light on the profound struggles that Indigenous women have endured.

The story of Bern and Elena underscores the oppression that Indigenous women have experienced as victims of objectification, silencing, and displacement. By portraying Bern and Elena's exile, Nolan effectively constructs a framework that underscores the profound impact of patriarchal colonialism on the lives of Indigenous women. Furthermore, Nolan's portrayal examines the ways in which the legal system has perpetuated this marginalization. Amidst this global collapse, Bern and Elena, two older women, find themselves exiled from their village because they are deemed too old and useless to contribute to the lives of their community. By exposing the mistreatment faced by Bern and Elena, Nolan draws a striking parallel to the systemic discrimination that Lavell and Bédard confronted. The colonial legal system has contributed to the violation of Indigenous women's rights and their continued exclusion. This thematic interplay serves to highlight the intricate relationship between gender disparities, colonialism, and the legal mechanisms that have perpetuated these injustices.

Yet, I argue that Nolan’s narrative goes beyond merely showcasing these inequities. The play not only sheds light on the systemic inequalities but also positions Indigenous women as central agents of change and revitalization. Bern and Elena’s journey, from isolation to rediscovery, symbolizes a form of resistance where they reclaim their cultural knowledge and use it to rebuild their lives. This multifaceted portrayal offers a compelling testament to the enduring strength and crucial contributions of Indigenous women in reshaping their communities and safeguarding their ancestral lands.

Focusing on women’s wisdom concerning the land and the art of survival, *The Unplugging* mirrors the feminist activism championed by Lavell and Chief Theresa Spence. Just as Lavell and Spence used their voices and actions to challenge colonial structures, Bern and Elena find power in their connection to the land and each other. As the two women start a new life together in an isolated cabin in the woods, they build their shared world on “the core values of women, consensus, generosity, elder respect, and connection to the land” (2015, 92), encapsulating their collective journey toward empowerment and resilience. Through this narrative, Nolan’s play emphasizes the crucial role of Indigenous women in fostering community and cultural continuity, while simultaneously challenging the structures that seek to marginalize them.

3.8. Gender Decolonization, Colonial Capitalism, and the Apocalypse in *The Unplugging*

The play’s gender decolonizing perspective delves into the intricate interplay between gender dynamics that empower women and the constricting societal norms and cultural expectations that subject them to oppression. Nolan’s deliberate choice of a post-apocalyptic setting for her work is far from arbitrary. It serves as a vivid embodiment of the concept that Indigenous communities inhabit realities irrevocably altered by the forces of colonialism, capitalism, and industrialization.

Nolan explains that, in writing *The Unplugging*, she “destroyed most of the planet and set my two not-so-old women in a post-apocalyptic world in which the lights had gone out and not come back on—what my character Bern refers to as ‘the unplugging’” (Medicine Shows, 88–89). This global catastrophe that frames the narrative places the play firmly within the genre of post-apocalyptic narratives. However, unlike Euro-Western post-apocalyptic fiction, which often reflects anxieties about the precarious

state of the Earth and impending disasters, Indigenous post-apocalyptic narratives highlight the ways in which Indigenous communities already inhabit realities irrevocably altered by colonialism, capitalism, and industrialization (Whyte 225). As numerous Indigenous scholars have argued, Indigenous nations have already endured and survived apocalyptic events such as ecological degradation, land dispossession, forced relocation, and the breakdown of kinship ties resulting from colonial oppression (Dillon “Imagining” 8; Gross 33; Justice 8; Whyte 226).

In *The Unplugging*, the depiction of the original community that exiles the two women as a deteriorating society – one that despises women and elders, is driven by greed and individualism, and focuses on building defensive walls and hoarding weapons – mirrors the destructive colonial impact. This portrayal reflects how colonialism fosters patriarchal structures and erodes communal values, as the community that expels the women becomes increasingly entrenched in patterns of exclusion, division, and selfish survival. The post-apocalyptic setting of *The Unplugging* highlights not just the inseparable link between colonialism and the exploitation of land, but also how, like the land, Indigenous bodies, and specifically women’s bodies, are “ongoing sites of struggle and face constant threats that extend well beyond the living world” (Justice 208, 132).

The apocalypse has already happened for Indigenous people – as it was also caused by “historic breakdowns in kinship relationships” (Whyte 2021: n.p.) As an Indigenous futurist narrative, which envisions Indigenous futures in terms of recovery of traditional practice and belief, *The Unplugging* imagines a future world in such a way as to explore alternative decolonized futures. Nolan’s play seems especially interested in testing Indigenous resurgence. Although engagement with the state representatives of settler-colonialism has often proved dispiriting and unproductive for Indigenous people, resurgence instead emphasizes reconnection with land-based traditional practices, culture, and ceremony. The play reinstates the importance of these traditional practices in the 21st century demonstrating that “Indigenous science [...] is indeed integral to a refined twenty-first-century sensibility” (Dillon 3). As Grace L. Dillon emphasizes, post-apocalyptic narratives provide a unique “mindscape” for a critical examination of traditions. Rather than seeking to dismantle them, such narratives serve as a means to test their resilience and enduring relevance.

This perspective, highlighted by Taiaiake Alfred, emphasizes the importance of critically evaluating traditions, not with the intention of dismantling them, but rather to subject them to scrutiny and ensure their enduring strength (165). In line with Taiaiake's perspective, *The Unplugging* serves as a catalyst for a rigorous examination of customs, unveiling their inherently political nature and profound influence on gender dynamics and political life within Indigenous communities, especially concerning women's participation and cultural authority. The play reinstates the importance of these traditional practices in the 21st century, demonstrating that "Indigenous science [...] is indeed integral to a refined twenty-first-century sensibility" (Dillon 3). As Grace L. Dillon highlights, post-apocalyptic narratives provide a distinct "mindscape" for critically examining traditions, not to dismantle them, but to test their resilience and ongoing relevance. Taiaiake Alfred echoes this perspective, emphasizing the importance of scrutinizing traditions to ensure their strength and adaptability (60).

3.9. Indigenous Resurgence and the Role of Tradition in *The Unplugging*

In *The Unplugging*, this critical examination of tradition is foregrounded in its exploration of the practice of abandonment, a theme directly linked to Velma Wallis's retelling of the traditional story. In an early scene, Bern states, "In tough times – we – used to leave people behind", directly referencing the Gwich'in tradition of abandoning the elderly during times of hardship, as detailed by Wallis. Ethnographic evidence, however, suggests that such practices were not equally applied; it was primarily women who faced abandonment, while men typically retained more secure social standing, reflecting the gendered power dynamics within Indigenous communities. Wallis's retelling challenges this historical narrative by centering on the experiences of two elderly women who survive after being left behind. It is crucial to note that while the concept of abandonment might provoke unease, Wallis has crafted a story that highlights the Gwich'in tradition of respecting and protecting elders rather than discarding them (Ramsay 29). This approach presents a narrative that stands in deliberate contrast to the ethnographic and contemporary social patterns that suggest otherwise. By focusing on the survival and empowerment of the abandoned women, Wallis's story reframes the act of abandonment as a critique of the historical practice and as an opportunity to celebrate the resilience and strength of those marginalized by it. In this way, Wallis's retelling does more than revisit tradition; it actively interrogates

the intersection between power structures and gender roles within the community. As Rachel Ramsay observes, while it is impossible to determine whether the portrayal of the two women in the story accurately reflects "historical truths" about Gwich'in culture, her own experiences and engagement with Gwich'in traditions indicate that the tension between gender and power continues to be a pertinent issue today (38). Wallis's retelling can be seen as both a reflection on cultural practices and a critique of the gendered power dynamics that persist within Indigenous communities. Her narrative highlights how women, despite their significant roles in survival and knowledge transmission, are often marginalized, a reality that continues to resonate in contemporary discussions of gender and authority within Indigenous community, offering a vision of cultural practices that foreground the value of Indigenous women's knowledge. By centering the story on the women's resilience, Wallis reclaims the story and recenters it through a feminist re-reading of it, showing that Indigenous women's traditional wisdom is crucial for survival and cultural continuity. Similarly, *The Unplugging* extends this theme into a post-apocalyptic setting, where, in the end, the survival of the community depends on the same traditional knowledge that had previously been dismissed. Through these narratives, both Wallis and Nolan emphasize that Indigenous customs, when re-examined and reimagined to include Indigenous women's experiences and knowledge, serve as powerful tools for empowerment and cultural transformation.

3.10. Interrogating Tradition and Gender Dynamics

The Unplugging contests women's social and political marginalization by depicting their crucial contributions to tribal decolonization and, in doing so, it reimagines the concept of apocalypse, and at the same time, she contemplates "what endures beyond it" (Justice, *Why Indigenous* 167), the qualities like living, loving, and connecting that continue to thrive amidst the remnants of settler colonial excess. Within these intersectional realms, marginalized and dispossessed individuals forge paths towards (re)creating community collectively (Justice *Why Indigenous* 167). In building community together, Bern and Elena subvert the capitalist and colonial system's logic of "competition, commodification, and domination" (Walia 255) that their community of origin has embraced, "building walls and gathering up guns to point at whoever they don't want inside the walls" (14). Their survival reflects a rejection of individualism

and a move towards a model of living well that requires “interdependency and respect among all living things” (Walia 255).

As Aileen Morton-Robinson asserts, “in Indigenous cultural domains, relationality means that one experiences the self as part of others and that others are part of the self; this is learnt through reciprocity, obligation, shared experiences, coexistence, cooperation, and social memory” (16). Within this framework, knowledge is not a possession to be hoarded but a shared responsibility that fosters mutual growth and well-being. Elena’s teaching of Bern, and later Bern’s sharing her knowledge with Seamus, exemplify this fluid exchange of knowledge and care. This relational model highlights an Indigenous feminist ethic of caretaking, where the emphasis is on interdependence and reciprocal obligations that transcend human relationships and include the land and non-human relations (Tallbear “Making Love and Relations Beyond Settler Sexualities”). Rather than adhering to hierarchies, the women’s actions reflect a broader decolonial effort to reclaim their own view of community and knowledge through collective caretaking.

In this context, the play’s post-apocalyptic setting highlights that, as previously mentioned, for Indigenous communities the apocalypse is not a distant or hypothetical notion but rather a tangible and lived reality. As Daniel Heath Justice affirms, “When apocalypse appears as an overt theme in Indigenous writing, it’s more than speculation—it’s experiential, even in its most fantastical, because in a very real way it hasn’t ended” (*Why Indigenous Literatures* 168). Significantly, the “apocalypse” depicted in the play – the “unplugging” – reframes negativity. It signifies not a downfall but the culmination of a protracted process of deterioration resulting from the imposition of a patriarchal system upon the community’s traditional ways. This pivotal event serves as a juncture from which Elena and Bern embark on the journey of reclaiming traditional wisdom, asserting the power of relationality and obligations as essential to community well-being. Rather than casting the “unplugging” – the very event that led to their exile – a catastrophe, Nolan depicts it as an opportunity for the two women’s rebirth. As Justice confirms, “[o]ur stories affirm this hope, most often by exploring kinship and its powerful capacity to strengthen us, our commitments, and our resolve.” The rupture caused by “the unplugging” not only opens a door to their collective past but also serves as a foundation upon which to construct anew.

3.11. Laird's Community as Reflection of Colonial Dynamics

The play constructs the community not as a visible presence but as a pervasive, looming force that subtly influences the characters' actions. The varying responses to the community's politics, as I will demonstrate, shape the collective experiences and interactions of the three characters. As the play opens, Elena and Bern traverse a desolate, frigid landscape, heading north after their exile from the settlement. The audience learns about their community of origin primarily through the dialogues between Elena and Bern and the reflections of Seamus. Despite its absence from the stage, the community functions as a virtual character – an unseen yet powerful entity that drives the narrative forward. Throughout the play, this community is portrayed as a place in decline, with its inhabitants becoming increasingly defensive against perceived external threats:

Elena. Our community—our so-called community [...] It is still there, building walls and gathering up guns to point at whoever they don't want inside the walls.

Bern. (beat) not much of a community.

Elena. (beat) not much of a community (14).

The act of building walls extends beyond the physical, hinting at the emotional and psychological barriers that the community has raised, effectively isolating itself from the external world. This isolation is not merely geographical but also social, conveying a sense of exclusion that pervades the community's dynamics and that is reflected in Elena and Bern's exile. Moreover, the act of gathering guns conveys a sense of constant vigilance and a defensive mentality. It suggests a community living in perpetual fear, poised to defend itself against perceived threats. It also portrays a lifestyle characterized by hoarding and greed, accumulating resources at the expense of others. This defensive stance mirrors the ideology of capitalist accumulation that underpinned the process of colonialist dispossession (Coulthard, *Red Skin, White Masks* 12). Thus, the community bears a resemblance to Indigenous communities impacted by colonial capitalism, where people witness “a resurgence of the most violent aspects of primitive accumulation,” a process that illustrates how “the ongoing displacement of farmers from their land, global warfare and plunder, and the subjugation of women are essential prerequisites for the perpetuation of capitalism throughout history” (Federici 12–13). According to

Coulthard, for Indigenous communities, capital accumulation meant an “affront to [their] normative understanding of what constituted proper relationships – relationships between people, relationships between humans and their environment, and relationships between individuals and institutions of authority” (*Red Skin, White Masks* 62.) Coulthard examines capitalism as a process that not only relied on the division between producers and the means of production, as seen in more classical Marxist analyses but also necessitated a complete transformation of every facet of existence and relationships. In the same way, scholars concur that capitalism has significantly contributed to the exploitation of natural resources, leading to environmental changes that harm Indigenous ecosystems which in turn disrupted Indigenous kinship systems (Simpson *As We Have Always Done*; “Indigenous Science”; Justice, *Why Indigenous Literatures Matter*). Thus, Nolan establishes immediately an opposition between the community’s logic of greed and individualism and the two women’s ability to “accumulate” not capital, things, or weapons, but “networks of meaningful, deep, fluid, intimate, collective and Individual relationships of trust” (Simpson, *As We Have Always Done* 77).

Nolan’s portrayal of Elena and Bern’s exile mirrors the historical dynamics of witch hunts, which Silvia Federici employs as primary examples of the control of women’s bodies and behavior by patriarchal authority. Federici argues that these witch hunts were more than just acts of persecution; they were strategic campaigns to instill fear, enforce conformity, and establish a new patriarchal order. This order aimed to exert control over women’s bodies, their labor, and their reproductive capacities, reducing them to economic assets within the emerging capitalist framework. In the play, Elena and Bern’s expulsion, driven by their inability to bear children and their non-conformist actions, serves as a modern reflection of this historical subjugation. Bern, who embraces her sexual autonomy as a form of freedom, becomes a target of suspicion after “the unplugging” when she associates with a group that ultimately reveals itself as exclusionary. Her frustration is palpable when she laments the group’s narrow standards: ‘I was really pissed that they only wanted women of child-bearing age. The power goes off and suddenly we’re nothing more than breed-mares’ (21).

Elena, on the other hand, is viewed as a burden due to her depressive state – a condition that may have been exacerbated by the community’s rejection and rigid

expectations. Branded ‘Eeyore’ after the depressed character in Winnie the Pooh’s books for her perceived negativity, Elena’s isolation within the group further illustrates how women are marginalized for failing to conform to societal expectations. This portrayal of Bern’s non-conformist behavior, alongside Elena’s treatment, underscores the ways women are ostracized and marginalized for resisting gendered norms. Bern’s defiance of these expectations, coupled with her behavior that affirms power that exceeds the authority of men, illustrates both the personal costs and transformative potential of gender non-conformity in enacting social change. Elena confirms that Bern’s attitude “kept us alive. You kept me alive. I would’ve hung around like a fort Indian until I starved or Laird’s goons shot me, the way they did the feral dogs” (21). Thus, Elena and Bern’s exile illustrates the enduring societal forces that have historically subjected women to control, relegating them to the margins when they deviate from prescribed roles. Thus, through the staging of Elena and Bern’s experiences, Nolan illustrates the consequences women endure when they fail to conform to gender behaviors that are imposed by legal-colonial practices, consequences that were illustrated by the Lavell-Bédard’s case.

3.12. Reclaiming Elders’ Wisdom and Relational Knowledge

However, I have been arguing that in *The Unplugging*, Nolan goes beyond simply revealing past and present forms of gender-based oppression; it also imagines alternative futures and forms of justice. I argue that Seamus, the third and only male character in the play, serves as a symbolic figure, representing the community’s need for healing and renewal. His transformation is closely tied to the recovery and appreciation of the crucial roles women play in sustaining kinship and transmitting knowledge across generations. By distancing himself from the community that exiled Elena and Bern, Seamus represents community’s need for transformation in order to endure. As Nolan explains, Seamus “learns not only the skills to survive, but a set of values that transforms him into a leader: generosity, community over individuality, respect for elders, negotiation, and consensus-building” (*Medicine Shows* 91).

The framing of Seamus as a representative of the broader community becomes particularly evident in the structure of the play. In the second part of *The Unplugging*, Nolan orchestrates a compelling reversal of the events that set the narrative in motion. As Nolan herself notes, the play is divided into two distinct sections: the first centers on

Bern and Elena as they navigate the harsh conditions of winter in isolation, while the second shifts focus to the introduction of Seamus, a young man from the same community that had earlier cast them out. This shift marks a turning point, as Seamus's arrival brings the potential for reconciliation and re-engagement with the community, highlighting the evolving dynamics between the exiled women and those who had rejected them.

This latter segment focuses on Seamus's interactions with the two women, his departure, eventual return, and his plea for them to re-engage with the community members. Instead of facing exclusion, as Bern and Elena did, Seamus is embraced within the community that the two women have built. Here, he not only acquires essential survival skills but also gains a deeper understanding of the importance of respecting elders and acknowledging the empowering contributions of women within community life. This reversal shifts the dynamics, highlighting the transformative leadership of the women who were once marginalized, which serves to underscore their significant, traditional role in community building. This creative exchange becomes a conduit for sharing and generating knowledge, pointing out at the same time the women's potential to instigate transformative change within the societal framework.

Indeed, Indigenous intergenerational knowledge transmission plays a crucial role in the character's ability to survive and transform during the action. In the initial scene, Bern emerges as a pillar of strength, as she guides Elena towards an isolated cabin in the northern woods that is safe and functional because someone "built it before they ran the power in up here" (9). Elena, in contrast, grapples with despondency. She is tired and discouraged by the treatment received by her community and she even wishes to be left alone to die in the cold. Nevertheless, Bern's determination prevails as she persuades Elena to persevere. In the subsequent scene, entitled "Survival," the dynamics shift. The women have started settling into the cabin and Bern's frustration erupts as she vents about shouldering all responsibilities, emphasizing that she cannot manage everything alone. It is precisely at this moment that Elena's initial discouragement takes root. Elena now recounts how she knows things about nature and the land:

Bern. How'd you know that about the tea?

[...]

Elena. my grandma, I guess. She never really trusted the technology. Never used a bank card. Drove an ancient truck with a standard transmission. Fixed things instead of throwing them out (12).

The knowledge that Elena's grandmother imparts to her granddaughter takes on a central role as a means of healing kinship relationships and reconnecting with the land. Elena's recognition of her grandmother's profound wisdom serves as a catalyst for a broader discourse on the invaluable role that women play as keepers of traditional wisdom. This theme becomes particularly prominent as the narrative delves into the relationship the two women build with one another. Previously, within the deteriorating conditions of their community, Elena lacked the self-assured competence she now exudes. She herself acknowledges her prior disposition as "negative and bitchy" (19). Elena recuperates her grandmother's influence and teachings, simultaneously exposing the neglect she suffered from her father during her childhood:

Elena: My mother used to send me to my father in the summers. He'd pick me up at the bus station near his community, take me to his place, not much more than a shack really. He'd last a couple of days, trying to be a dad, to care about my life... then he'd vanish. [...] there'd be a note – "Have to go work"—and I wouldn't see him again (13).

Not only are men portrayed as irresponsible, but it is also within the context of a strained parent-child relationship that the crucial role of women becomes evident in the intergenerational transfer of wisdom and the establishment of strong kinship bonds. The grandmother appears to possess an inherent understanding of her granddaughter's needs, leading her to share her insights into the land. Elena remembers that. "[a]fter he'd been gone a couple of days; my grandma would show up. I don't know how she knew. And we'd go out on the land. Check her traps, hunt, pick medicines" (13).

Through her presence, the grandmother is able to bring healing, fill the void that Elena's father leaves in her life, and reconstruct the ties of kinship – bonds that connect not only with her family but also with the very land they inhabit. This notion of kinship embodies the deep, intrinsic influence of Indigenous peoples' connections not only with each other but also with the more human realm. In addition, the figure of the grandmother underscores the importance of the Elders in the formation of future

generations and their knowledge of, and connection to, the land. Moreover, in highlighting Elena's relationship with her grandmother, the play foregrounds a vision of knowledge deeply rooted in Indigenous systemic thinking.

Elena's inherited knowledge reflects a participatory onto-epistemology, where knowledge is not an individual possession but instead is relational (Wilson 74). In his seminal book *Research is Ceremony*, Shawn Wilson affirms that Indigenous knowledge "goes beyond this [Western] idea of individual knowledge to the concept of developing relational knowledge" (74). Epistemology, in this context, is 'more than merely a way of knowing: it is a way of relating'. In this view, Elena's understanding of the land and her survival skills, passed down from her grandmother, are part of an ongoing relational exchange that involves not just human actors but also the land and non-human relations. This reflects a broader Indigenous worldview that emphasizes interdependence and reciprocity as the foundations of knowledge. By framing knowledge as inherently communal and relational, the play challenges Western epistemologies that prioritize individualism and extraction, offering instead a vision of knowledge that is regenerative, reciprocal, and intimately connected to the environment and others. This relational knowledge becomes a vital force for both survival and transformation within the action.

Moreover, the grandmother emerges as an authoritative figure by refusing a decision made on her behalf by the community as she aged: "When she got really old, she was tiny, like a bird, they put her in a home, but she wouldn't stay. She kept running away. Died in the bush" (14). The grandmother's passing serves as a meaningful reflection of a community that, despite its obligations, fails to value and protect its elders, neglecting both their well-being and the irreplaceable cultural knowledge they embody. In this way, the play underscores that the community's disavowal of its elders as authoritative figures is not an isolated incident but is rooted in historical patterns of disregard. This lack of respect for elders is further entwined with the community's decline under the leadership of a self-proclaimed 'feudal lord' – as Elena and Bern characterize their community's leader, Laird. This transition serves as a stark parallel to the gradual infiltration of patriarchal structures into the community's social fabric.

The shift from a community grounded in the wisdom of its elders to one dominated by patriarchal authority not only marginalizes figures like the grandmother but also signals a broader disintegration of cultural cohesion and resilience. From the very outset of the play, Nolan deliberately positions elder women as stewards of enduring knowledge, emphasizing their critical role in preserving tradition and facilitating intergenerational transmission of cultural insights. This narrative strategy not only highlights their indispensable role in maintaining cultural heritage but also elucidates the direct relationship between the erosion of such invaluable traditional wisdom and the diminished authority of women within the community. The grandmother's refusal to accept confinement, culminating in her death in the bush, symbolizes a community's profound loss—not merely of individual life but of the cultural continuity and knowledge that elders represent. This neglect has far-reaching implications, as it illustrates the essential need to recognize and integrate the knowledge and contributions of elder women to ensure the community's cultural vitality and continuity.

3.13. Challenging Gender Roles: Elena and Bern's Agency and Seamus

The portrayal of women defying conventional norms in the play introduces an alternative paradigm that broadens the understanding of gender identity. Women who dare to challenge their community's entrenched cultural norms face rejection as they disobey prevailing cultural conventions. This pattern of ostracism holds true for mature women and those who deviate from societal expectations, such as Bern. Bern's defiance of gender norms provokes mixed reactions of aversion and admiration. Elena vividly recalls how their community described Bern as a "free spirit," highlighting her distinctive, independent disposition. Bern's magnetism transcends gender boundaries, demonstrating her charisma and inner strength. Nolan highlights that she possesses "an appetite for connection" and that "she knows literature [...] by heart", and that she uses it to "express her understanding of her place in the immediate world" (2018, 88).

Bern's remarkable aptitude for forming connections, epitomized in her relationship with Seamus and her capacity to share the wisdom gleaned from Elena, positions her as a central figure in illuminating alternative avenues for women's agency. Beyond merely confining gender identity to reproductive roles, Bern embodies the potential for women to shape their own destinies. By incorporating instances of women's gender

nonconformity and unconventional behavior, Nolan responds to the prescriptive and limited perspective on gender identity propagated by the Lavell-Bédard case.

The play shows Seamus's profound transformation as he observes the bond between the two women and the way they behave towards the environment. Through the connection with Elena and Bern, Seamus begins to grasp the vital lessons on relationships with the land and other human and more-than-human beings devoid of domination and exploitation. These teachings stand in stark contrast to the disruptive influences of heteropatriarchy and capitalism (Simpson, *As We Have Always Done* 10), that characterize the practices of the community he comes from. When he first approaches them, he admits to having observed them from afar without the courage to approach. However, he was quickly captivated by the achievements of the two women, which led to his choice to join their company over the various other groups he had encountered along the way:

Seamus. Stayed with a few on the way. Passed a few more. Nothing appealed.

Elena. and we did? Two old women? What did you think was going to happen when you got here?

Seamus. I didn't think that far – I don't know. I just kept moving north. (beat) Then I stumbled on one of your camps. Saw how you got in, that you'd made a small fire, burned your garbage, left the place tidy. That there were two of you.

Elena. you're a regular detective, are you?

Seamus. I started to try and think like you. Where were you going, how did you choose your stopping places... you were smart... you made me smarter (44).

Through his relationship with Bern and Elena, Seamus arrives at the understanding that his life had been devoid of significance prior to the "unplugging". He candidly confesses this to Bern, acknowledging the emptiness that plagued his existence:

Seamus: Never made a single thing that mattered. Never made a thing that would tell the world that I had existed. Moving envelopes from here to there, without a clue what was in them, not caring. Not caring [...] I was a grasshopper too. Ride

around all day, drink beer with my friends, flirt with the girls. Never save a penny. Never learn a thing. Never even wonder where my ambition was. It was all fun, it all seemed full, and busy. It seemed like a life. But looking back on it now. Wow.” (54).

Nolan frames Seamus as a representation of the entire community, with his apparent lack of interest and purpose functioning as a reflection of the general loss of direction that has befallen the village. Furthermore, Seamus’s presence creates a division between Bern, who is inclined to assist him, and Elena, who harbors suspicions about his underlying motives. Consequently, Bern becomes Seamus’s mentor, teaching him important skills such as hunting and finding food. Bern learned these skills from Elena and believes they should be shared. She thinks that if they keep these skills secret, they are just continuing the same unfair system that characterized their community of origin.

The process of transmitting knowledge is thus deeply connected with relationship building and requires “long-term, stable, balanced warm relationships within [...] the community and all living aspects of creation, including plants and animals” (Simpson “Land” 10). It is this ability to establish and maintain relationships of deep reciprocity with human and more-than-human beings, is a gift that Seamus needs to accept and share in order to fix the imbalances in the community and bring about its renewal. Bern becomes Seamus’s teacher and lover, guiding him not just in survival skills like fishing and hunting, but also in qualities that make a good leader: being kind, thinking about the community more than yourself, respecting older people, solving problems through discussion, and reaching agreements.

While the play presents social sharing as a potential catalyst for positive change, Nolan simultaneously raises critical questions about the framing of this sharing and who holds control over the narrative. Seamus’s arrival opens the women up to the possibility of sharing their hard-earned knowledge, but it also introduces the danger of that knowledge being appropriated and turned against them. The tension between Bern’s openness to sharing and Elena’s fear of exploitation underscores broader concerns about the dissemination of Indigenous knowledge, highlighting the complex power dynamics at play and the risks of outsiders appropriating and misusing it. Elena responds by rejecting Seamus’ appeals, driven by her apprehension that he intends to abscond with

their expertise and return it to the wider community. When Seamus eventually departs, validating Elena's concerns, the tension between these women escalates into a full-blown debate:

Elena. Now that you have taught him everything you know, everything I taught you. He's gone back, bearing that gift, to that place, that place that spat us out like rotten meat. It is his passport back in.

Bern. So what if he did, Elena. They need to know . . . It wasn't ours to keep . . . the knowledge, the things I taught him, the things you taught me, maybe he will go back and teach your daughter . . .

Elena. teach them? How long before they show up here with weapons to take it by force? (57–58).

Through this dialogue, *The Unplugging* raises critical questions about the politics of knowledge transmission, particularly in the context of Indigenous communities that have experienced exploitation and marginalization. Nolan presents this tension not as a simple dichotomy but as a reflection of the complex and sometimes painful process of navigating trust, reciprocity, and the responsibilities that come with knowledge stewardship. The play thus engages with the broader discourse on the protection and sharing of Indigenous knowledge, emphasizing that while sharing has the potential to heal, it must be guided by principles of respect, mutual benefit, and an understanding of historical context to avoid repeating past injustices.

3.14. The Reception of *The Unplugging*: Casting Controversies and the Politics of Knowledge Sharing

Nolan's nuanced approach to knowledge transmission, which emphasizes the importance of trust, reciprocity, and respect, directly mirrors the complexities faced by the Idle No More movement, which also confronted the challenges of knowledge-sharing and control. In her an informative and well-researched article, Kimberley McLeod explores the connections between *The Unplugging* and the dynamics of Idle No More activists' use of social media, particularly focusing on themes of knowledge-sharing and control central to Yvette Nolan's play. The 2015 Toronto production of *The Unplugging*, co-produced by Factory Theatre and Native Earth and directed by Nina Lee Aquino, sparked significant debate over cultural representation and casting. The

controversy gained momentum through media coverage and social media discussions, including an open letter from thirty-nine critics, both Indigenous and non-Indigenous, protesting the casting of non-Indigenous actors in Indigenous roles and citing histories of colonization and racism. Nolan defended the production in a blog post, emphasizing that the play is about generosity, community, and interconnection across time. Aquino highlighted that the production team included Indigenous and culturally diverse artists, aiming to integrate Indigenous values into the process. McLeod notes that the casting controversy parallels the broader challenges faced by Idle No More, where unity in purpose does not always translate into a single vision. Both the debate around *The Unplugging* and the Idle No More movement underscore the complexities of working across cultural differences, yet they hold the potential to challenge power structures and uplift Indigenous perspectives.

In line with Nolan's comments about the controversy over the casting choices in the 2015 production of the play, Bern's perspective sheds light on a profound awareness of the significant enrichment and transformative power that women's experiences hold for the community. She regards Seamus as the individual who can bring about these pivotal changes. It is evident that Seamus perceives these experiences as illuminating contrasts to the prevailing dynamics within the village "as I learned to fish, I couldn't help but learn other things too, and compare this life, the life you were building, with the life back in the village. I wanted to stay. I did [..]" (65). The women teach him the profound connection between sustainable living off the land and the promotion of harmonious communal life lies at the core of Indigenous knowledge and legal systems. The play elucidates themes that resonate with the discussions of contemporary Indigenous scholars and artists, particularly those focused on Indigenous knowledge and natural law and protocols. Leanne Simpson expounds on this concept, emphasizing that Indigenous knowledge thrives not only in the physical landscape but also within the context of enduring and stable relationships within communities ("Land" 10). She further elucidates that within the Anishinaabe language, the process of acquiring knowledge is encapsulated by the term "Gaa-izhi-zhaawendaagoziyaan." The term "zhaawen" within this word carries the profound connotation of having deep compassion for others in one's thoughts and mind, embracing kindness, mercy, and assistance. It encompasses the notions of "pity, empathy, and profound, unconditional

love” (10). Moreover, John Borrows highlights that the word “zhaawen” is derived from the Anishinaabe verb for hunting, conveying the idea that by recognizing our interconnectedness with the world and our responsibilities to each other, we collectively experience blessings, love, and compassion. This concept of “zhawenjige” is believed to be part of an ancient treaty the Anishinaabe made with the animals: “the understanding is that as long as we hold love for them, they will provide for us and impart wisdom about love and living well in the world” (qtd. in Simpson, “Land” 10 – 11). It is precisely this recognition of interconnectedness with the world and responsibilities to one another that Seamus learns together with the skills of hunting, fishing, and harvesting. Bern can see the process clearly:

Bern. [...] he didn't take anything from me that I didn't want to give. No, I mean the knowledge, the things I taught him, the things you taught me, maybe he will go back and teach your daughter

[...]

and isn't that the way it is supposed to be? Isn't that the thing

we were bemoaning just before the lights went out? That no one knew where their food came from, that our men refused to take responsibility for anything?

Elena. How is this taking responsibility?

Bern. if he has gone back to teach them – (57).

Nolan uses the epidemic that strikes the village as a metaphor for the spiritual and cultural crisis afflicting the community. This epidemic symbolizes the breakdown of traditional knowledge systems and the alienation from the land, which in turn reflects deeper social imbalances. Through this crisis, Nolan highlights the transformative and healing power of women's knowledge within communities. When Seamus returns to the village, he carries with him not only the survival skills learned from Bern and Elena but also a deeper understanding of how to rebuild a more harmonious and balanced community. The knowledge he brings back serves as a catalyst for healing, as those in the village who are open to embracing this Indigenous wisdom begin to thrive:

Seamus: When I got back, things were worse. Laird wanted to raid you, take everything. I told him I wouldn't bring him here. He couldn't have done it anyway. He was sick, lots of the villagers were, people were dying. The ones who were healthy, we started to trap, to work for the village. Making soup, working in teams. People started getting better. Some didn't. Laird didn't. We nursed him – to death. When he died, we started to talk about new leaders. And – elder – leaders (66).

Nolan gives Seamus, as a representative of the whole community, the task of reconciling with the women and their experience of exile. Also, he has to learn the centrality of women's role in the community by witnessing their community-building skills. This reconciliation becomes paramount to restoring equilibrium within the community's gender dynamics, ultimately facilitating his own journey toward self-discovery and personal empowerment. He can become a leader only through women's knowledge and experience. However, this new concept of leadership is different from the one Laird embodied. It is a non-hierarchical practice that is rooted, I argue, in what Glen Coulthard defines as "grounded normativity", described as "the ethical frameworks provided by these Indigenous place-based practices and associated forms of knowledge" that are based "on deep reciprocity" and teach "to live our lives in relation to other people and nonhuman life forms in a profoundly nonauthoritarian, non-dominating, nonexploitive manner" ("Grounded Normativity" 254).

Grounded normativity rejects hierarchical relationships between humans and the environment. Similarly, in the play, the women's relationship with each other and with the land, rooted in traditional knowledge, suggests a non-hierarchical view of their surroundings. For instance, Elena and Bern are aware that the animals they hunt offer their lives to them as a voluntary gift, to help them survive and they acknowledge their responsibility towards them. Grounded normativity recognizes the interconnectedness of all beings, including humans and nonhuman entities. In the play, the women's survival is likely tied not only to their interactions with other people but also to their relationships with the natural world. This holistic perspective mirrors the Indigenous worldview that values the relationships between all living beings and the land.

As previously mentioned, Nolan uses the catastrophe caused by “the unplugging” not as a negative incident but as a critical point that underscores the gradual decay of familial values and the subjugation of women within the community. The catastrophe serves as a crucible for Elena, Bern, Seamus, and the entire community, marking a transformative moment that challenges their existing social structures and power dynamics. This renewal can be framed as a resurgence movement deeply rooted in ‘grounded normativity,’ a concept that emphasizes the significance of restoring balance when connections with the land and traditional practices are disrupted (Coulthard, ‘Grounded Normativity’ 254). Grounded normativity recognizes that Indigenous knowledge systems are intimately connected to place, land, and community relationships, offering a framework for healing and resurgence when these connections have been destabilized.

In the play, the community’s crisis is not presented as an irreversible collapse but rather as a phase of upheaval that holds the potential for transformation. Nolan emphasizes that this crisis, rather than leading to total disintegration, opens up a space for the community to reassess its values and practices. It suggests that restoration is attainable if the community members are willing to reconnect with the land, embrace intergenerational wisdom, and move beyond the individualistic and divisive behaviors that contributed to their initial decline. This vision of renewal hinges on the community's capacity to recognize the importance of collaboration, mutual care, and respect for the elders, which are crucial for rebuilding a harmonious and sustainable way of life.

However, the play concludes on an uncertain note, as Nolan herself describes it, “a moment of suspension, with Seamus about to open the door of the women’s safe cabin in the woods to members of the community that once expelled them” (*Medicine Shows* 91). This ending leaves the audience with lingering questions about the future of Bern, Elena, and the broader community they left behind. The ambiguity of this final scene serves as an invitation for viewers to contemplate whether the community is truly ready to embrace change and make amends for their past actions. It challenges the audience to consider if the community can genuinely integrate the knowledge and resilience embodied by Bern and Elena, or if the cycle of exclusion will continue.

The open ending prompts deeper reflection on the potential for healing and reconciliation. It raises the question of whether the community can move beyond its former patterns of exclusion and hierarchy to adopt a more inclusive and balanced social order, one that values the wisdom of elder women as central to its survival and growth. Ultimately, the open-ended nature of the play's conclusion suggests that the path to renewal is neither easy nor guaranteed, but it remains within reach if the community is willing to embrace the transformative power of relational knowledge and collective responsibility.

Moreover, the play's ending poses critical questions about the readiness of the community to recognize and integrate the cultural power of women, which had been marginalized under their previous hierarchical structures. Nolan thus leaves open the question of whether the community is willing to commit to reshaping communal customs deeply entrenched in heteropatriarchy and despotism. This open-ended conclusion suggests that the path to renewal is not straightforward; it requires a fundamental shift in the community's values, an acknowledgment of past mistakes, and a genuine willingness to embrace change. The possibility of transformation rests on whether the community can transcend their old patterns of exclusion and control, and move toward a future that honors the knowledge and leadership of women.

Thus, *The Unplugging* emphasizes the critical role that women play in the renewal of their communities and, in doing so, denounces the pervasive gender injustices that have persistently marginalized and oppressed them. Nolan's play constitutes a significant contribution to Indigenous feminist discourse, as it explores the pursuit of dignity that figures such as Ms. Lavell and Ms. Bédard sought through their legal actions. These women's engagements with the legal system reflect a deep-seated struggle for recognition and justice within structures that have historically marginalized Indigenous women. To interpret their legal claims solely as expressions of individual rights, framed through an entitlement-based perspective, risks overlooking the broader concerns that these women articulated – specifically, the enduring impacts of colonialism's sexist practices that have become entrenched within Indigenous communities. Such a narrow interpretation fails to appreciate the intricate balance between individual and collective rights, relegating the concerns of Indigenous women to a subordinate status in relation to the collective rights of their communities. This

reductive view thereby perpetuates the structural disadvantages faced by Indigenous women, by failing to recognize how their struggles for justice intersect with community well-being and the broader decolonial agenda.

3.15. Relational Autonomy and Feminist Consciousness: reimagining Gender Empowerment and Collective Sovereignty

Contrary to this limited view, I contend that Nolan’s work aligns with the concept of ‘relational autonomy’ (Nedelsky, “Law” 1; Napoleon, “Aboriginal” 11), which offers a more complex understanding of rights as fundamentally relational. This framework shifts the focus from the protection of rights as a means of self-defense against others to a model where the cultivation of relationships is central to the realization of autonomy. It suggests that autonomy is not an isolated state of being but is forged and sustained through reciprocal connections within a community. This perspective provides a more meaningful interpretation of the legal actions pursued by Ms. Lavell and Ms. Bédard, situating their advocacy within a framework that emphasizes relationality and collective responsibility. It reframes their efforts as not merely personal quests for justice but as attempts to reshape the relational dynamics between Indigenous women, their communities, and the broader legal and political context.

Similarly, in *The Unplugging*, Nolan envisions an alternative model of gender empowerment, one that emphasizes the attainment of rights and autonomy through the cultivation of relationships. This model, as Nedelsky observes, posits that autonomy “can only be nurtured in relationship with others” (“Reconceiving” 25) suggesting that true empowerment arises not from individualistic pursuits but through interconnectedness and communal support. By emphasizing the role of community and mutual care, Nolan challenges prevailing Western notions of rights that prioritize individualism. Instead, she advances a vision of empowerment that is deeply rooted in reciprocity and relational care, highlighting that genuine self-determination for Indigenous women—and, by extension, their communities—requires the fostering of relationships that promote mutual uplift and collective resilience. Nolan’s approach underscores that the path toward justice and revitalization is inherently communal, advancing a decolonial ethos that foregrounds relationality as essential to social transformation.

Through the portrayal of powerful women's characters who are able to build balanced relationships of mutuality and responsibility, Nolan signals the emergence of a "feminist consciousness" in Indigenous women's theatre, one that calls for the recognition of women's self-worth and highlights how women's agency is relational and deeply connected with communal cultural values (Suzack, *Indigenous Women's Writing* 109). The story of Bern and Elena serves as a reminder that women's empowerment goes not only through a "meaningful and practical political project" that includes embracing Indigenous women (Napoleon, "Aboriginal" 31) but also through the "stories that these writers tell about the gender politics of Indigenous communities" (Suzack, *Indigenous Women's Writing*, 47). Nolan's dramaturgy celebrates the essential role of Indigenous women in community building and renewal – an essential objective that not only serves the empowerment of Indigenous women but also contributes to the broader goals of Indigenous self-governance, recovery, and redemption.

Nolan employs the characters of Bern and Elena to shed light on the gender inequalities that are deeply ingrained within colonial legal practices. These systems have historically disregarded the suffering of Indigenous women, subjecting them to objectification, silence, and displacement, as exemplified by the experiences of Lavell and Bérard. The treatment of Bern and Elena within the play serves as a vehicle for Nolan to underscore how patriarchal colonialism, deeply entrenched within the lives of Indigenous women, has not only eroded their rights but has also contributed significantly to their marginalization within society. It also underscores how colonial legal practices have disrupted kinship ties within communities in which Elders, and Elder women specifically, were actively engaged in the formation of future generations and committed to their land and Indigenous knowledge.

3.16. Conclusion

In conclusion, *The Unplugging* constitutes a pivotal act of cultural resurgence, envisioning a reimagined world that embraces fundamentally different modes of thinking, organizing, and being. By foregrounding Indigenous approaches to community formation, the play emphasizes their inherent 'non-hierarchical, non-exploitative, non-extractive, and non-authoritarian' qualities (Simpson, "Indigenous Resurgence" 22-23), offering a deliberate critique of the rigid, extractive structures imposed by settler colonialism. Through this narrative framework, Nolan articulates a

vision where Indigenous principles of care, reciprocity, and collective responsibility serve as foundational elements, thereby challenging hegemonic narratives that prioritize control and resource extraction. Nolan's portrayal of gender empowerment departs from conventional frameworks by centering the invaluable contributions of Indigenous women in the ongoing revitalization of Indigenous cultural practices. This emphasis is particularly significant within the context of settler colonial legal frameworks, which have historically marginalized Indigenous practices and suppressed the roles of women within these communities. By re-centering Indigenous women's knowledge and experiences, *The Unplugging* offers a counter-narrative that challenges entrenched legal and social norms, which have systematically perpetuated inequality and disenfranchisement. The alternative vision presented in *The Unplugging* extends beyond mere resistance to colonial structures; it actively proposes the construction of a future in which Indigenous epistemologies and values thrive. Nolan reconceptualizes women's roles and knowledge systems in ways that are both socially and politically transformative, underscoring that gender empowerment is not antithetical to Indigenous self-determination but rather integral to it.

4. The (After)–Lives of (In)Justice: *Bonnichsen v. United States* (2004), NAGPRA, and Beth Piatote’s *Antikoni*.

Beth Piatote, a Nez Perce writer, playwright, and scholar, has made significant contributions to Indigenous literature and law. In her meticulously researched and provocative 2013 book *Domestic Subjects: Gender, Citizenship, and Law in Native American Literature*; Piatote explores the impact of legal policies on Native American communities during the assimilation era (1879–1934), focusing on how Native writers responded to this violence by emphasizing the resilience of the Native home and family. Integrating legal analysis with literary interpretation, her book provides a nuanced understanding of how Native writers used literature to confront and challenge federal Indian policy. In *Domestic Subjects*, Piatote positions Native American writers as both critics and survivors of settler-colonial law; in her subsequent scholarship, she narrows her focus to Indigenous women writers, providing an extensive exploration of how their literary expressions reveal the tension between adapting to colonial legal structures and maintaining Indigenous legal traditions and values. In her essay “Native Women’s Writing and the Law”, included in *The Cambridge History of Native American Literature* (2020), she provides an in-depth exploration of the historical relationship between Native women’s writing and settler-colonial law. Piatote traces the evolution of Native women’s writing from their earliest recorded interactions with colonial legal systems, which extends beyond conventional literary genres. Beginning with Indigenous modes of record-keeping, such as wampum belts and woven baskets – forms that predate colonial writing – she demonstrates how these later included other genres, including petitions and narratives addressed to colonial authorities. Through these texts, Indigenous women not only made Indigenous claims legible to the colonial legal system but also preserved and asserted Indigenous legal principles and narratives that actively challenge settler-colonial law. In doing so, Native women’s writing has played a dual role, expressing Indigenous legal values while critiquing colonial authorities (263).

In her adaptation of the fifth-century Sophocles’ play *Antigone*, titled *Antikoni*, Piatote embodies Native women’s literary activism, blending her role as a scholar of Native American/Indigenous literature and law with her creative work in fiction, poetry, plays, and essays. As an Indigenous language revitalization activist/healer, particularly

focused on the Nez Perce language, Piatote employs theatre as an extension to her activism in academia, illustrating how Indigenous peoples, and especially women, navigate the complex tensions between colonial legal systems and Indigenous legal traditions. Published in her 2019 collection of stories *The Beadworkers*, *Antikoni* reimagines the Greek tragedy within a contemporary Indigenous framework. The protagonist, Antikoni, a young Nez Perce/Cayuse woman, confronts her uncle Kreon, a museum director, to reclaim the remains of her ancestors that are being held in the museum. This adaptation of the ancient Greek play shifts the focus from the original themes of state power to the issue of repatriation of Indigenous remains, reflecting contemporary debates surrounding Indigenous sovereignty and the Native American Graves Protection and Repatriation Act (NAGPRA). By drawing on both her scholarly work in law and literature and creative writing, Piatote addresses how Indigenous legal traditions persist and resist colonial frameworks, illustrating her broader commitment to the revitalization of Indigenous culture, language, and the law.

4.1. *Antikoni*: Genesis and Historical-Legal Background

Piatote's inspiration to write a play on repatriation issues arose from the 1996 discovery of an ancient skeleton along the Columbia River, known as the "Kennewick Man." This discovery ignited intense cultural and legal debates over the ownership and treatment of ancient human remains. Initially thought to be a 19th-century settler because of its "Caucasian-like" features, the skeleton – later called "Kennewick Man" after the site where it was found – was eventually dated to be around 9,000 years old. This discovery challenged early assumptions and intensified debates over ownership, access, and control of ancient human remains in the United States. Discovered on federal land, the remains were initially classified as a cultural resource under the Native American Graves Protection and Repatriation Act (NAGPRA). Enacted in 1990, NAGPRA mandates the return of human remains and cultural items found on federal or tribal lands to the culturally affiliated tribe, acknowledging their inherent rights and historical connections to the site of discovery (Tsosie 585). NAGPRA marked a historic shift in attitudes toward Native peoples by addressing the widespread practice of looting and removal of Native American remains and sacred objects that had plagued Native communities since contact (Trope and Echo-Hawk 37). For this reason, Native and allied scholars alike deemed NAGPRA as a crucial and long-overdue piece of human

rights legislation for Indigenous peoples in the United States (Barker “The Recognition” 98). However, the discovery of the “Kennewick Man” in 1996 represented the very first test of the Act, leading to legal litigation which pitted Native American tribes’ claims of ancestral ties against scientists’ arguments for unrestricted research rights under the Archaeological Resources Protection Act (ARPA) and NAGPRA (25 U.S.C. § 3005(b)).

The dispute over the remains resulted in the case of *Bonnichsen et al. v. United States*, which saw the Department of the Interior (DOI) tasked with determining the remains’ status. Between 1998 and 2000, the DOI conducted a variety of historical and scientific studies and assessed that there was indeed a ‘cultural affiliation’ between the remains and one or more of the American Indian tribes that claimed such a relationship and that it was appropriate to consider the “Kennewick Man” ‘Native American’ under NAGPRA. Despite the Secretary of Interior’s finding of cultural continuity between the Ancient One’s group and the claimant tribes based on a combination of archaeological, oral tradition, and linguistic evidence, the Ninth Circuit Court of Appeals ruled that the evidence was insufficient. The court’s decision underscored the challenges of proving cultural affiliation under NAGPRA’s requirements, which mandate a “preponderance of the evidence” linking modern tribes to identifiable earlier groups (25 U.S.C. § 3001(15) (2000)). The decision had broader implications, as it reflected a controversial reinterpretation of NAGPRA, privileging scientific perspectives over Indigenous knowledge and reinforcing colonial dynamics (Tsosie 677). Critics argue that this ruling exemplifies ongoing political efforts to marginalize Indigenous claims and uphold scientific authority, echoing broader patterns of colonialism and systemic racism in federal-Indigenous relations (Dumont 109; Barker “The Recognition” 95). Moreover, the court’s reliance on Western legal frameworks highlighted its limitations in fully addressing the cultural and spiritual dimensions of Indigenous sovereignty and access to justice for Indigenous peoples (Schweninger 254).

4.2. Critical Analysis Framework

4.2.1. Indigenizing Modern Legal and Political Discourse in *Antikoni*.

In this chapter, I discuss how Beth Piatote’s 2019 play *Antikoni* engages with and responds to the debates raised by the *Bonnichsen* case and the broader issues concerning repatriation and the legislation that regulates it. At its core, *Bonnichsen* highlights a

clash between competing worldviews – different conceptions of history, spirituality, and cultural authority – underscoring the ongoing struggle over who has the power to narrate the past and why this power is critical to the pursuit of Native sovereignty. In fact, as Klamath sociologist Clayton Dumont argues that political attacks on NAGPRA in *Bonnichsen* illustrate a broader colonial refusal to recognize the inherently political nature of scientific claims on Native remains, as proponents of these studies often frame their work as objective and apolitical while dismissing Native perspectives as irrational, mythological, or superstitious (109). This false dichotomy obscures the reality that scientific claims, especially when involving Indigenous peoples, are deeply political. As Joanne Barker argues, the marginalization of Native perspectives undermines the human rights intent of NAGPRA, transforming it from a tool of empowerment for Indigenous peoples into one of control over Indigenous communities and identities (“The Recognition” 95). An analysis of the decision in *Bonnichsen* exposes how interpretations of the law, by “generating distinctively legal truths” (Hunt 514), perpetuate these omissions and reveals the “tensions, closures, and contradictions” through which legal texts and their interpretation align with broader dynamics of power and dominant interests that further entrench settler–colonial attacks over Indigenous sovereignty. *Antikoni* addresses these omissions and complexities by restoring the centrality of Native ways of knowing to the pursuit of decolonization and sovereignty.

4.2.2. Political Agency in *Antikoni*: ‘Rematriation’ and Bonnie Honig’s Antagonistic Humanism

My analysis focuses on how *Antikoni* creates an oppositional space by intervening through theater to reshape the collective understanding of the conflicts present in the *Bonnichsen* case. I argue that the play critiques repatriation politics by revealing the colonial and patriarchal conceptions of ownership, property, and control embedded in the legal frameworks regulating repatriation in the U.S. Through this critique, the play enacts a rejection of state-sanctioned recognition politics, challenging the entrenched colonial and patriarchal attitudes within NAGPRA and its interpretations—views upheld by scientists and legislators who claim a supposed apolitical objectivity and superiority. Institutions, particularly museums, maintain these systems to control Indigenous cultural heritage by erasing Indigenous agency.

Furthermore, I contend that the play extends beyond embodying an Indigenous politics of refusal; it also asserts Indigenous legal principles that emphasize relationality and the interconnected responsibilities between the living and the dead. These principles construct “alternative structures of thought, politics, and traditions away from, and in critical relationship to states” (A. Simpson “The Ruse” 2). To elucidate these themes, my exploration delves into several critical scenes from *Antikoni*, employing specific methodologies to deepen the interpretation.

I begin with the play’s prologue, which, unlike the Greek original focused on past events, links historical colonial violence to contemporary repatriation debates. Set during the 1877 Nez Perce War, it recounts Ataoklas and Polynaikas’s deaths and the desecration of their remains, challenging museum narratives by underscoring the historical trauma of Indigenous remains treated as artifacts. By highlighting this desecration, Piatote critiques museums’ role in colonial control, setting the stage for the play’s central examination of repatriation practices.

With the subsequent scene, depicting the confrontation between Antikoni and her sister Ismene within the museum that confines their ancestors’ remains, Piatote brings the critique of the treatment of Indigenous human remains in the present. The scene demonstrates how Antikoni’s quest to reclaim her ancestors is both a personal and political act of defiance. Through Antikoni’s affirmation of Indigenous values and her duty to her ancestors, Piatote challenges the limitations of Western legal frameworks, such as those evident in the Bonnichsen case, and advocates for Indigenous epistemologies that prioritize communal responsibility and cultural continuity. I argue that by reimagining Antigone as a young Cayuse woman engaged deeply in the politics of burial, kinship, and community, Piatote enacts the Indigenous feminist paradigm of “rematriation”, as articulated by Ts’msyen scholar Robin Gray (1 – 2).

Central to my discussion of Antikoni’s character is Gray’s recognition that “colonial property structures” endure alongside “advancements in human rights or improved Indigenous-settler relations” (16). Repatriation, as Gray affirms, must be understood as “a legal concept rife with colonial baggage that develops from Euro-Western ideas about nationhood, personhood, property, and ownership” (16). The court’s decision in Bonnichsen exemplified the limitations of human rights legislation like NAGPRA,

where the so-called “path of return” is constrained by Euro-Western legal norms and paternalistic attitudes (Gray 15). In other words, Indigenous claims to repatriation remain mediated by the same colonial legal frameworks that once justified dispossession. Gray critiques the concept of repatriation, which assumes a patriarchal nation-state framework and treats people, profits, and property as possessions to be returned to the “fatherland”, thus limiting what can be repatriated to items defined by patriarchal ownership. In contrast, Gray advocates for a decolonial alternative through the concept of “rematriation”, an “Indigenous feminist paradigm” that encourages Indigenous peoples to transcend the restrictive legal confines of repatriation to envision new possibilities for justice in reclaiming their ancestors (16). I argue that Piatote portrays Antikoni’s declaration of her determination to retrieve their ancestors’ remains from the museum as a political act embodying the principles of rematriation. Antikoni reclaims agency over her ancestors and asserts Indigenous sovereignty, not as a theoretical stance but as a lived, active political resistance to colonial structures.

Throughout my analysis, I argue that Piatote positions Antikoni as a political actor to situate the debates surrounding repatriation within a political realm and reaffirm the critical role of women in Indigenous societies, acknowledging their authority within governance and their indispensable role in preserving and transmitting cultural knowledge and practices. My contention is that the play challenges the Western focus on “objective” scientific value and ownership while affirming the significance of Indigenous perspectives in asserting Indigenous sovereignty. Indeed, debates over repatriation, as seen in the cultural and social discourses surrounding the Bonnicksen case, often center on two perspectives: scientific value and ownership. Archaeologists and scientists view Indigenous remains as critical data for understanding historical contexts, while Indigenous descendants perceive the ongoing display of these remains as disrespectful, advocating for their reburial. Additionally, museums and institutions often claim these remains as “global” cultural property, whereas Indigenous groups assert their rightful place with the tribes of origin, honoring sacred traditions (Hirsch 457).

As Alexander Keller Hirsch contends, these discussions often frame repatriation in moral terms, which risks obscuring deeper political questions, such as “what principles constitute such communities of origin in the first place? Who gets to decide what may

be repatriated and why? What sources of power are veiled in the presumptions being made about the nature of possession and ownership? What formations of racial identity are articulated through practices of repatriation?” (457). I claim that Piatote’s adaptation of *Antikoni* resists this moral framing by situating the issue within a legal and political context. In doing so, the play challenges the conventional ethical approach to repatriation, instead depicting *Antikoni*’s claims to reburial as an inherently contested practice. From the outset, the play foregrounds the tension between competing legal obligations to the deceased, with the state exerting control over Indigenous bodies and lives while restricting alternative cultural and spiritual practices.

Drawing on political theorist Bonnie Honig’s interpretation of the original Greek play in relation to democratic theory, which focuses on “enhancing or rethinking equality, and investigating the subtle and explicit workings of power, enabling and inequitable” (9), my critique suggests that Piatote’s adaptation mirrors the deeper political questions posed by, and often obscured in, critical readings of Sophocles’ *Antigone*, as well as in repatriation debates. Following Honig, I argue that *Antikoni* engages in a “politics of counter-sovereignty” and that the issue she raises is not simply “whether to lament the dead” but rather how this mourning is performed and how it reflects broader “social structures, ontologies, and histories” (2).

Honig observes that advocates for equality, like Indigenous and other marginalized groups, often draw upon the character of *Antigone* as a model of civil disobedience or as an alternative vision of equality – one where all are equal in death (10). However, she critiques this universalist interpretation, warning that it can lead to a politics of resistance, reflexive anti-statism, or a form of “mortalist humanism” that emphasizes equal dignity in death but risks romanticizing powerlessness and heroic martyrdom (10). Honig argues that this perspective can neglect the vital political work of maintenance, repair, and planning for the future. Instead, she proposes an interpretation of *Antigone*’s actions as an “agonistic humanism”, where the focus is on counter-sovereignty, solidarity, and active political practice. Within this framework, mourning becomes more than passive lamentation; it transforms into a dynamic political practice that challenges the dominant order (144). I suggest that Piatote’s adaptation of *Antigone* embodies this type of political and democratic action. In *Antikoni*, Piatote portrays lamentation, or rather, the practice of honoring the dead, not as a static or heroic act but

as a “contested practice, part of an agon among fractious and divided systems of signification and power” (Honig 2).

This approach aligns with the concept of “rematriation”, as a “sociopolitical mode of resurgence and refusal”, guiding Indigenous communities toward “producing and maintaining alternative structures of thought, politics, and traditions away from and in critical relationship to states” (Simpson 2). This perspective demands deeper engagement with the historical and ongoing injustices inflicted upon Indigenous communities, challenging the constraints of legal frameworks that often fail to comprehensively address their cultural, social, and political needs.

By integrating Honig’s concept of “agonistic humanism” with the Indigenous feminist framework of rematriation, I provide a more comprehensive understanding of Antikoni’s actions as deliberate acts of political resurgence and resistance (Gray 5). This approach highlights how Piatote’s portrayal of Antikoni’s resistance challenges colonial structures while emphasizing the crucial role of Indigenous women in fostering Indigenous renewal and self-determination. These frameworks together allow for a nuanced understanding of the play’s resistance to colonial legal structures while emphasizing the active role of Indigenous women in cultural resurgence. This approach honors the play’s foundation in Indigenous knowledge systems and cultural practices while also employing democratic theory to examine how Piatote’s dramaturgy resists and disrupts colonial narratives.

I argue that Piatote frames Antikoni’s actions as an “act of interruption” to colonial practices of repatriation. In presenting Antikoni as a contemporary Indigenous activist who “plots, conspires, and maneuvers” within the political realm to assert her sovereign rights (Honig 20), Piatote’s play stages a compelling form of counter-storytelling that advances decolonization by opposing federal Indian law’s colonizing power through diverse rhetorical strategies. Additionally, Honig’s idea of “agonistic humanism” highlights challenging power structures through active political practice, focusing on resilience and counter-sovereignty rather than passive mourning. I aim to show demonstrate how Piatote frames Antikoni’s actions as aligned with the principles of rematriation, which similarly reject state-defined “paths of return”, emphasizing Indigenous agency and relational obligations to land, ancestors, and community.

4.2.3. Indigenous-Centered Critical Methodologies: Two-Eyed Seeing

In alignment with the Two-Eyed Seeing methodology, my study centers on selected scenes, incorporating Indigenous methodologies to examine how the play uses storytelling to address the ethical, political, and legal dimensions of repatriation debates in the U.S. I focus on key moments involving the character of Kreon, the Indigenous museum director and Antikoni's uncle, and specifically his confrontations with the Chorus of Aunties and with the other characters in the play: Antikoni, the blind medicine man Tairasias, and his son Haimon, contending Kreon's self-presentation as a leader and his accommodation of the colonial state align with Richard Lyons' concept of "rhetorical imperialism", defined as "the ability of dominant powers to assert control of others by setting the terms of debate" (452). Lyons suggests that this control over language shapes legal discourse and constrains Indigenous representation, thus limiting sovereignty.

To further analyze the complexities of Piatote's representation of Kreon as both an Indigenous man and a museum curator, I employ Vizenor's theories to show how Piatote characterizes Kreon as embodying what he terms "terminal creeds" – the rigid, static classifications imposed by colonial authorities that reduce Indigenous identities to fixed stereotypes (Owens 249) – thereby illustrating how his adherence to these frameworks constrains cultural dynamism. Through this lens, Piatote critically examines the challenges faced by Indigenous leaders as they navigate—and sometimes unwittingly sustain—colonial structures.

Moreover, I consider how Piatote contrasts Kreon's rigid colonial mindset with the other characters' visions of sovereignty. In the case of the Aunties and Antikoni, this approach firmly centers "rhetorical sovereignty", as Ojibwe scholar Scott Richard Lyons defines it, namely, "the inherent right and ability of peoples to determine their own communicative needs and desires [...] to decide for themselves the goals, modes, styles, and languages of public discourse" (459–50).

4.2.4. Rhetorical Sovereignty and Refusing the Colonial Dynamics of Translation

Throughout my analysis, I argue that the play exemplifies rhetorical sovereignty in two fundamental ways. First, the characters frequently use Nez Perce words, and even entire sentences, often accompanied by translations or explanations in footnotes. Many

untranslated words, especially kinship terms that lack direct English equivalents, affirm the Indigenous characters' control over their language, rhetoric, and the cultural values they uphold. This use of Nez Perce goes beyond a linguistic choice; it highlights one of the play's major themes, what Eric Cheyfitz describes as the "colonial dynamic of translation", a theme that has been central to U.S. Native American literature since its emergence in the late 18th century (8).

The theme of translation, and the resistance to it, is crucial in asserting rhetorical sovereignty. This assertion occurs not only on a linguistic level but also metaphorically, situating Piatote's play within the broader Native American literary tradition. I argue that Piatote portrays Antikoni's refusal to engage with the colonial legal language exemplified by Kreon's speech as an assertion of rhetorical sovereignty. Drawing on Vizenor's critique of translation as a colonial tool, I show how Piatote represents Kreon, a museum curator and "trusted interpreter", as complicit in using language and legal frameworks to translate Indigenous identities, lands, and bodies into objects of ownership. Vizenor's theory reveals how translation and representation function as a key tool of colonial domination, shaping how Native people have been (mis)represented in public discourse (*Manifest Manners* 70). Moreover, rhetorical sovereignty is used to underscore Antikoni's broader resistance to the colonial state's imposition of its values on Indigenous cultures. These methodologies show how, building on the themes of translation as a colonial "strateg[y] of containment" (Vizenor, *Manifest Manners* 70), Piatote critiques colonial control over language and Indigenous efforts to maintain cultural integrity and self-representation.

4.2.5. Foregrounding Indigenous Knowledge in the Adaptation of Ancient Greek Theatre

Second, Piatote replaces the traditional Greek chorus with the storytelling of the Chorus of Aunties, who narrate traditional Nez Perce stories between scenes. I argue that the Aunties' storytelling serves as a method for transmitting Indigenous knowledge and providing counter-narratives to colonial legal frameworks. Through the staging of oral storytelling, Piatote invites the audience to become active listeners, engaging critically with the unfolding events and the thematic elements from an Indigenous perspective. The Aunties' storytelling emerges as a crucial means of asserting control

over language and representation, directly challenging the court's dismissal of oral traditions as valid evidence in the *Bonnichsen* case. My analysis of the Aunties' storytelling draws on Julie Cruikshank's argument that oral traditions represent a "coherent, open-ended system for constructing and transmitting knowledge" (Cruikshank, "Oral Tradition" 408), demonstrating how Piatote elevates storytelling to a central structural and thematic element in the play. Through this approach, Piatote's dramaturgy actively resists the colonial erasure of Indigenous epistemologies and affirms their ongoing importance in advancing social justice goals within Indigenous communities.

My analysis centers on a creation story narrated by the Aunties, featuring the trickster figure Coyote. This story serves as a valuable case study due to its integral role within the play, reverberating throughout the narrative and being repeatedly referenced by various characters, thereby underscoring its thematic and symbolic significance. My interpretive approach draws from Julie Cruikshank's insights on how oral traditions assert local meaning in contrast to external classification systems and further integrates the scholarship of Val Napoleon and Hadley Friedland on storytelling as a form of legal reasoning to demonstrate how Piatote uses the Aunties' narratives as "intellectual resources" (Napoleon and Friedland, "An Inside Job" 727), showing how these stories communicate Indigenous legal values and challenge colonial legal frameworks, particularly in relation to repatriation issues.

Additionally, I explore how Piatote employs humor through the Aunties' dialogue with Kreon, using it as a rhetorical tool to expose contradictions in his position and to mock his reliance on colonial legalism. Humor destabilizes Kreon's adherence to tragic, Western notions of sovereignty, while simultaneously affirming Indigenous rhetorical sovereignty, thus providing a counter-narrative to colonial frameworks of power and control. My analysis draws on Gerald Vizenor's theories of trickster humor, which resist "manifest manners, tragic transvaluations, and the incoherence of cultural representations" ("Ruins of Representation" 1). Within this framework, humor functions both as a form of resistance and as a means of cultural healing. By incorporating trickster humor, Piatote's portrayal disrupts Kreon's rigid, legalistic perspective, creating space for an Indigenous-centered narrative authority and agency within the play's context.

Building on the subversive role of humor, my analysis then turns to two pivotal scenes that further challenge colonial frameworks: the confrontation between Kreon and the blind medicine man Tairaisias, which introduces the theme of cannibalism as a metaphor for exploitative museum practices, and the play's ending, which significantly diverges from the original Greek tragedy. Through these scenes, I illustrate how Piatote challenges colonial frameworks and reclaims Indigenous perspectives on law and sovereignty, offering a powerful critique of cultural consumption and a reassertion of Indigenous agency.

In *Antikoni*, Piatote reimagines the Greek prophet Tiresias as Tairaisias, a medicine man who condemns Kreon's actions as a form of cultural consumption, using the metaphor of cannibalism to reveal the exploitative practices of museums. This theme, which is also echoed in the Aunties' stories, serves as a critique of colonial practices that consume Indigenous knowledge, ultimately leading to the self-destruction of those who perpetuate such exploitation. Drawing on Clementine Deliss's concept of the "metabolic museum", Kim TallBear's critique of the reliance on DNA testing in defining Native American identity, and Eric Cheyfitz's analysis of racial categorization, I argue that Piatote challenges the *Bonnichsen* case's emphasis on DNA as the primary evidence for determining the cultural affiliation of the Kennewick Man, framing it as part of a broader system that dehumanizes Indigenous bodies. This interpretation is further supported by Jack D. Forbes's pairing of the Wetiko figure with colonialism's insatiable drive for consumption, and Hadley Friedland's research on Wetiko stories as sources of Indigenous legal principles, which together illuminate how Piatote stages Kreon's actions as deeply problematic. Additionally, I draw on Nancy Fraser's notion of "cannibal capitalism" and Dene political theorist Glen Coulthard's critique of the interconnections between capitalism and colonialism, offering a framework to understand Kreon's role in sustaining systems of cultural and economic exploitation. Overall, this analysis highlights how Piatote employs the theme of cannibalism to critique colonial structures while affirming the lasting value of Indigenous cultural practices and knowledge systems.

Finally, I argue that Piatote's adaptation of the play's ending – where *Antikoni*, unlike Sophocles' *Antigone*, remains alive in a liminal space alongside the unburied dead – serves as a potent critique of colonial control over Indigenous bodies and

traditions. This liminal state is visually represented on stage through a screen that multiplies Antikoni's image, blending presence and absence, and highlighting themes of unresolved grief and suspension. Drawing on Victor Turner's concept of liminality and Homi Bhabha's notion of the "third space", I demonstrate how Piatote positions Antikoni's existence in this liminal space as a challenge to rigid binaries such as colonizer/colonized and living/dead, rejecting the liberal assumption that only the living belong to the political community.

Following Bonnie Honig, I employ Jacques Rancière's theory of the "politics of disagreement" to show how Piatote presents Antikoni's stance as a disruption to the established political order. By placing Antikoni between life and death, Piatote challenges existing legal and social norms, asserting what Gerald Vizenor calls the "sovereignty of tribal bones", emphasizing the narrative rights and agency of Indigenous remains beyond scientific categorization (Vizenor, "Bone Courts" 320–321). This study integrates these different frameworks to reveal how Piatote constructs a powerful critique of colonial control over Indigenous lives and bodies. It illustrates how Piatote's depiction of Antikoni's liminal existence becomes a space of political resistance, affirming Indigenous sovereignty, challenging Western legal and scientific frameworks, and maintaining a continuous connection with ancestors and future generations.

Ultimately, this analysis aims to demonstrate how through *Antikoni*, Piatote stages a critique of the marginalization of Indigenous epistemologies, particularly through Western legal frameworks as exemplified in the Bonnicksen case. The play challenges these frameworks' disregard for Indigenous knowledge systems in favor of rigid, evidence-based approaches. By emphasizing oral traditions and communal responsibilities rooted in Indigenous legal values, Piatote highlights the principles of Indigenous law, which focus on relationality and the interconnected responsibilities between the living and the dead. Simultaneously, the play underscores the political agency of Indigenous women in decolonization efforts. Through her adaptation of the Greek classic, Piatote offers a decolonial alternative to colonial repatriation practices that have historically overlooked Indigenous ways of knowing, being, and doing.

In order to examine the political dimensions of how *Antikoni* engages with and responds to the debates surrounding the *Bonnichsen* case and broader issues of repatriation, I integrate a literary and cultural decolonial analysis with the historical and political context of repatriation debates in the U.S. I begin with an overview of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementation, followed by a critical assessment of the *Bonnichsen* case and the far-reaching implications of the decision.

4.3. Legal and Political Context of Repatriation in the U.S.

4.3.1. The Native American Graves Protection and Repatriation Act (NAGPRA)

The Native American Graves Protection and Repatriation Act (NAGPRA), signed into law by President George H. W. Bush in 1990, marked a critical turning point in the recognition of Native American rights. This legislation came after decades of advocacy by Native American activists and aimed to address the long-standing injustices related to the desecration and improper handling of Indigenous ancestral remains and sacred objects. NAGPRA represented a significant shift in societal attitudes within the museum and scientific communities, acknowledging the rights of Native peoples to reclaim and rebury their ancestors (Trope and Echo-Hawk 3).

The activism of Indigenous women was pivotal to the passage of NAGPRA. These critical actions are reflected in the efforts of Maria Pearson, often referred to as the “founding mother of the modern Indian repatriation movement” (Gradwohl 13). In the 1970s, Pearson brought national attention to repatriation issues through the so-called “Glenwood Controversy”, a case in which Native remains were removed for study after the discovery of a colonial cemetery. Her direct confrontation with the Iowa governor over this desecration led to state-level legislative reforms to protect Native American graves. Pearson’s activism not only underscored the disrespect shown toward Native burial practices but also played a foundational role in the broader movement that ultimately led to NAGPRA’s passage, highlighting the essential role of Indigenous women in challenging colonial practices of cultural and physical appropriation.

As Native American legal scholars Jack Trope and Echo-Hawk highlight, at the time of the passage of NAGPRA, there existed various state laws aimed to regulate cemeteries and protect graves from vandalism (39). Nonetheless, massive numbers of

Native American remains had still been exhumed and removed. National estimates suggest that between 100,000 and 2 million Native American individuals were taken from their graves for storage or display by government agencies, museums, universities, and tourist attractions (39). Notably, the passage of NAGPRA was the result of a prolonged effort by Native American activists to secure legal protections against the desecration of graves and the theft of religious and cultural artifacts. In the 1960s, Native American activists, organized in the American Indian Movement (AIM), started publicly denouncing the desecration of Native sacred sites and remains, leading to the passage of significant legislation such as the American Indian Religious Freedom Act (AIRFA) of 1978 and the Archaeological Resources Protection Act (ARPA) of 1979, which protected Native spiritual beliefs and mandated tribal consultation for archaeological work. Collaborating with organizations like the Native American Rights Fund (NARF) and American Indians Against Desecration (AIAD), AIM's activists advanced repatriation efforts, resulting in state laws that safeguarded Native burials and mandated the return of sacred objects (Fine–Dare 85). These efforts culminated in the passage of the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990.

In order to show demonstrate how *Antikoni* critiques the legal and political context surrounding NAGPRA, I draw on perspectives that frame NAGPRA as a significant piece of human rights legislation, while also emphasizing critiques that reveal its limitations. Although NAGPRA is often praised for advancing Indigenous rights, particularly in the realms of cultural heritage and repatriation, scholars argue that such laws can unintentionally sustain colonial power structures and fail to fully address the specific cultural needs of Indigenous communities (Holder and Corntassel 126–7). Additionally, I argue that NAGPRA can be understood as a form of transitional justice, aimed at redressing centuries of injustice by establishing legal pathways through which Native American tribes and lineal descendants can reclaim “human remains, sacred objects, funerary remains, and items of cultural patrimony” (Harding 254–55).

Piatote navigates this complex landscape by centering an Indigenous woman protagonist who embodies the role of an activist, emphasizing the vital role that Indigenous women play in the pursuit of transitional justice. This focus aligns with the broader contribution of Indigenous women's voices to international debates and their

efforts to enact forms of symbolic justice aimed at achieving transitional justice goals. “Transitional justice”, as defined by Ruti Teitel, refers to a “distinctive conception of justice” that emerges during periods of significant political change and recognizes that human rights violations often have gendered dimensions (Nesiah et al. 1). By situating *Antikoni* within these frameworks, I explore how the play critiques the limitations of NAGPRA, revealing its gaps in addressing Indigenous needs. Piatote’s portrayal not only emphasizes the active role of Indigenous women in these struggles but also illustrates the potential for literary works to engage with and shape political discourse on Indigenous rights.

Scholars and activists have praised NAGPRA as long-overdue human rights legislation for Native peoples in the United States, praising it as the “most important cultural heritage law ever enacted in the United States” (Nason 108). They also highlight that NAGPRA also encompasses four types of law: it reaffirms and defines Native American tribal sovereignty regarding cultural heritage; it includes criminal law provisions against trafficking in protected cultural materials; as administrative law, it sets forth procedural steps that must be taken. Last but not least, as civil rights law, it provides legal protection to Native American human remains equal to that of all other Americans, thereby changing the previous legal status of those remains from property to protected entities. NAGPRA includes all native peoples who “may be” or are “most likely” affiliated to the remains and items at a museum irrespective of their recognition and potential claim and status (federally recognized or not) (Barker “The Recognition” 97). This inclusion human rights to self-determination as provided within international law and accords, particularly as articulated in documents like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly in 2007. Yet, the *Bonnichsen* decision reveals how these frameworks can often operate within Western ideologies, defining rights, ownership, and identity through Eurocentric legal standards (Schweninger 254). As a result, Indigenous claims are frequently subordinated to scientific and legal standards that do not fully acknowledge or respect Native epistemologies and cultural practices.

NAGPRA provides legal protections for Native American “burial sites and the removal of human remains, funerary objects, sacred objects, objects of cultural patrimony on Federal, Indian and Native Hawaiian lands” (*NAGPRA, 25 USC § 3001*).

It mandates the involvement of tribes in decision-making about these sites and materials, and prohibits trafficking in Native American human remains and designated cultural objects. NAGPRA required museums, federal agencies, and educational institutions receiving federal support to make a “good-faith effort” to inventory their holdings of Native American human remains and funerary objects, as well as provide written summaries of other cultural items defined by NAGPRA, and to consult with Native American tribes in order to attempt to reach agreements on the repatriation or other disposition of these remains and objects. It also requires the prompt repatriation of Native American human remains and cultural objects to tribes that demonstrate cultural affiliation and make a request. NAGPRA also legislates over Native American remains and burial artifacts inadvertently discovered on tribal or federal land, mandating that they must be repatriated to the tribe that establishes the “closest cultural affiliation” with those remains or items (25 U.S.C. § 3002(d)).

NAGPRA defines cultural affiliation as “a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present-day [federally recognized] Indian tribe or Native Hawaiian organization and an identifiable earlier group” (Section 2). To establish this affiliation, Native groups must have federal recognition status and demonstrate, through a “preponderance of the evidence”, a “traceable” or documentable historical relationship to the “identifiable earlier group” from which the remains and items are determined to originate (Barker “The Recognition” 98). As Joanne Barker asserts, NAGPRA acknowledges the significance of diverse Native knowledge and cultural perspectives in understanding both historical and contemporary experiences. This is reflected in the law’s provision that the “preponderance of evidence” may include “geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral tradition, historical, or other relevant information or expert opinion” (98). This provision highlights that in determining cultural affiliation “all ways of knowing are to be treated as relevant and all experts as equals” (Barker 98) and the importance such perspectives in resolving disputes over human remains. Notably, it is specifically this provision that played a pivotal role in the *Bonnichsen* case.

4.3.2. Bonnicksen et al. v. United States: Background

In the summer of 1996, two teenagers watching hydroplane races from the banks of the Columbia River near Kennewick, Washington. To James Chatters, the anthropologist who first analyzed the remains, the skeleton appeared to belong to a nineteenth-century settler due to its “Caucasian-like” features. However, radiocarbon dating conducted by the University of California revealed the skeleton to be approximately 9,000 years old. As a cultural resource found on federal land, the remains fell under NAGPRA, which ostensibly required their return to the nearest affiliated tribe. In September 1996, two months after the remains were discovered, the Army Corps of Engineers, which oversees the Columbia River as a navigable waterway, determined that the remains were of Native American ancestry and thus subject to the provisions of NAGPRA. They promptly notified the local Indigenous tribes – the Nez Perce, Umatilla, Yakama, Wanapum, and Colville and published notice of its intent to repatriate the remains to the claimant tribes. The five Nations jointly claimed the remains as ancestral and planned to reburial the skeleton upon its repatriation. Consequently, the Corps assumed custody of the skeleton from the Benton County coroner’s office and announced its intention to repatriate the remains. Yet, on October 16, 1996, eight scientists, led by anthropologist Robson Bonnicksen, filed a lawsuit against the Army Corps in federal district court in Portland, Oregon, seeking a temporary restraining order to halt the repatriation. They argued that the Corps had determined cultural affiliation without sufficient evidence and that a detailed scientific study of the remains was necessary to establish their origins. The controversy culminated in the law case *Bonnicksen et al. v. United States*, a significant legal dispute between scientists, who sought access to the Kennewick remains and the federal government in conjunction with a tribal coalition. The Department of the Interior (DOI) assumed responsibility for determining the remains’ status and disposition under NAGPRA. After a thorough review of extensive scientific evidence and expert reports, the DOI concluded that the remains fell under the Native American Graves Protection and Repatriation Act (NAGPRA)’s definition of “Native American”⁷ and thus mandated their repatriation to the tribal coalition. Despite this determination, the scientists

⁷ According to the NAGPRA, “‘Native American’ means of, or relating to, a tribe, people, or culture that is indigenous to the United States” (25 U.S.C. § 3001(9)).

continued to seek access through legal litigation. After almost 5 years of legal wrangling, on June 19–20, 2001, Judge Jelderks of the United States District Court heard oral arguments on the scientists’ assertion that they have rights to study the remains. On August 30, 2002, he announced his decisions in the *Bonnichsen*’s case. The Oregon district court and the Ninth Circuit Court of Appeals ruled that the empirical evidence suggested no genealogical link strong enough to return the remains to Indigenous tribes, and as a result they were held in reserve for scientific research. determining that the tribal claimants were not entitled to control the remains (*Bonnichsen v. United States*, 217 F. Supp. 2d 1116 (D. Or. 2002)). The Native tribes and the federal government appealed, but in 2004 the US Ninth District Court of Appeals upheld the ruling, arguing that Kennewick Man could not be shown to be Native American, let alone related to contemporary tribes, and thus NAGPRA did not apply (*Bonnichsen v. United States* 357, F.3d 974, 9th Circuit 2004).

The *Bonnichsen* litigation ignited a widespread debate that extended beyond the immediate parties involved in the litigation. The case attracted significant media attention, featuring prominently in national newspapers, magazines, and various other media outlets. It was the subject of a Discovery Channel special as well as numerous articles in publications such as *The New York Times*. Many of these films and articles presented biased viewpoints, contributing to one of the most contentious discussions in the fields of American anthropology and archaeology (Walker and Jones 907). As Osage Cynthia–Lou Coleman rightfully notes, the public’s understanding of the legal and social issues surrounding Kennewick Man, also known as the Ancient One (a name given by Indigenous tribes), is primarily shaped by social discourse. After reviewing more than two decades’ worth of news, blogs, websites, and books on the Kennewick Man issue, Coleman concludes that the social discourse surrounding the Kennewick Man encompasses two broad issues. First, the discovery was framed as a conflict between Cartesian belief systems and Native American belief systems, or more broadly, between scientists and Indigenous peoples. Second, a not–so–subtle dimension of coverage involves underlying racist undertones within the narrative (2021, n.p.). The media coverage of the legal controversy provides a primary example of the “intersections of law and social discourses which characterize the colonial frameworks imposed on Indigenous cultures” (Suzack *Indigenous Women’s Writing* 21).

Indeed, the social discourse fueled by the media narrative not only disparaged Native American knowledge systems but also echoed outdated 19th and 20th-century racial terminology that marginalized Indigenous peoples. The skull was described as “white” and “Caucasian” compared to what Chatters deemed as “Mongoloid characteristics” that Native Americans have (170). In addition, scientists claimed exclusive authority to uncover the truth from the skeleton, while presenting Indigenous tribes as obstructing this pursuit of knowledge. During a broadcast of *60 Minutes*, a CBN news television program, journalist Leslie Stahl remarked that the Kennewick Man controversy could potentially reveal a fundamental discrepancy between prevailing scientific understanding and the truth as perceived by Native Americans. Stahl suggested that Native Americans might prefer to leave the issue unresolved, implying that their perspectives on science were less relevant. This comment reflects a broader dismissal of Indigenous viewpoints, a trend confirmed by the court’s dismissal of the DOI’s cultural affiliation report. In determining the proper disposition of the Ancient One’s remains under NAGPRA, the DOI gathered and evaluated extensive information, consulted with representatives of the claimant tribes, reviewed reports submitted by these tribes, and considered data and observations from experts. Their report relied on archeological, non-destructive analysis of the remains, geographic and oral tradition evidence, which indicated a continuity between the Ancient One’s group and the claimant tribes.

The 9th Circuit Appeals Court’s final ruling in the *Bonnichsen* case controversially rewrote NAGPRA, disregarding its historical context and original goals, which included recognizing Native human rights to self-determination as provided within international law and accords. It undermined the relevance and respect of Native knowledge regarding their historical experiences, cultures, genealogical practices, and geographic associations in determining Native ancestry and the significance of Native culture (Barker “The Recognition” 97). As Allison Dussias observes, the ruling reflects a persistent failure to understand and respect Native American perspectives and rights, similar to historical relations between tribes and the dominant society, particularly with anthropologists. The court’s perspective echoed nineteenth-century views of Native Americans as a “vanishing race” without valid claims to their own human remains. This

ruling also mirrored past assimilation efforts to replace indigenous kinship models with a focus on the nuclear family, seen as the foundation of a civilized society (60).

4.3.3. Oral Traditions Versus Scientific “Objectivity”: The Interpretation of NAGPRA in *Bonnichsen et all. v. United States*

According to NAGPRA, remains are “Native American” if they are “of, or relating to, a tribe, people, or culture that is indigenous to the United States” (U.S.C. § 3001(9)). The court argued that “the words ‘is’ and ‘relating’ in the present tense” indicated that NAGPRA requires that the human remains in question “bear some relationship to a presently existing tribe, people, or culture” in order to be subject to NAGPRA (*Bonnichsen v. United States*, 217 F. Supp. 2d 1116 (D. Or. 2002)). This view is at odds with the text of NAGPRA, which does not require remains to be related to a contemporary tribe in order to be considered Native American, but rather considers such a link to be relevant to the cultural affiliation determination (Dussias 134). As a result, the term “present day” appears in NAGPRA’s cultural affiliation definition rather than in the Native American definition. According to Allison Dussias, the court’s “Native American” interpretation is noteworthy for “how it ignored the usual dichotomy between non–Native Americans, meaning descendants of settlers who came from Europe and other areas outside of the modern-day United States after the European “discovery” of the North American continent, and Native Americans, meaning descendants of pre–contact inhabitants of the land of the United States” (134). Dussias demonstrate how in fact, the court created a third category, individuals who are descendants of pre-contact inhabitants of the United States, but whom the court does not recognize as “Native American” due to a perceived lack of a “significant” connection to a present-day tribe. As a result, the remains of these individuals are not protected under NAGPRA, allowing descendants of post-contact settlers to potentially claim them (134).

The key question at the heart of case was whose views on whether or not relationship between modern day Native Americans and the Kennewick man existed were to be respected. The tribes affirmed that such relationship did exist and so did the DOI. The court, however, seemed to affirm that only its views, and consequently those of the plaintiffs, mattered. Moreover, while hurrying to highlight potential

discontinuities in the Department of the Interior experts' report, the court gave little consideration to the oral history evidence referenced by the Secretary of the Interior when determining cultural affiliation, concluding that oral traditions were not "adequate" to demonstrate the required significant relationship "because the value of such accounts is limited by concerns of authenticity, reliability, and accuracy, and because the record as a whole does not show where historical fact ends and mythic tale begins" (*Bonnichsen v United States* 367 F.3d at 882). With these statement, the Ninth Circuit Court dismissed the evidentiary value not just of the stories provided as evidence in *Bonnichsen*, but of all Native American oral traditions, effectively equating them to myths.

It is worth mentioning that the anthropologist who reviewed a number of the Native American claimants' oral traditions, concluded that oral traditions [...] relate to geological events that occurred in the distant past. These events cannot be dated with precision but they are highly suggestive of long-term establishment of the present-day tribes" (quoted in C. Smith 228). Boxberger's report supported the Native American claimants' argument that their ancestors had long inhabited the region where the Kennewick Man was found, affirming that he was one of their ancestors and thus qualified as Native American under NAGPRA. Moreover, Boxberger affirmed "For the Native people of the [Columbia] Plateau oral traditions are true histories [...] The oral traditions speak of a way of life not unlike that described in the ethnographies of the Plateau. From this perspective we might see the oral traditions as a form of historical documentation that can be used to supplement the descriptive ethnographic accounts" (quoted in C. Smith 228).

The value of oral traditions becomes evident when considering that "the similarities between oral and written history are legion. A significant portion of the documentary record started its life as oral history, meaning that both formats can encounter similar challenges in verification and authentication" (Borrows, "Listening" 15-17). As Anishinaabe legal scholar John Borrows affirms, the fact that oral or written narratives are subject to change reflects the influence of different interpreters of history, each with their own interests in its reproduction. In other words, "all historical observation and interpretation, oral and written, is colored by differential life experience and training" (Borrows, "Listening" 17). However, the court in *Bonnichsen* rejected NAGPRA's

attempt to recognize the validity of Native American oral histories, reflecting a broader issue within the American legal system, which continues to privilege written and documented histories over oral traditions.. As a result, the *Bonnichsen* decision imposed an almost impossible burden of proof on Native American claimants, whose histories are largely undocumented and whose conceptions of history do not align with Western notions (Wiget, “Recovering the Remembered Past” quoted in C. Smith 224n48).

The dismissal of oral tradition was ultimately proven erroneous in 2015, when an international team of scientists compared DNA from the Kennewick Man’s hand bone with DNA from modern-day Native Americans and concluded that the Kennewick Man’s DNA was most similar to that of Native Americans. In September 2016, in light of this new evidence, the U.S. Congress passed legislation to return the remains of Kennewick Man to a coalition of Columbia Basin tribes, including the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, and the Wanapum Band of Priest Rapids. On February 17, 2017, Kennewick Man’s remains were removed from the Burke Museum in Washington D.C., where they were held, and, the following day, more than two hundred members of these tribes gathered to bury the remains according to their traditions at an undisclosed location. It took over twenty years from the discovery of the remains to their repatriation to the claimant tribes under NAGPRA’s provisions.

This protracted legal process ultimately validated what Native American claimants had asserted from the beginning—that their oral traditions were accurate and that “the Ancient One was one of us” (Jim Boyd, chairman of the council that governs the Confederated Tribes of the Colville Reservation, quoted in C. Smith 218). Despite this outcome, the process itself reflected a deep-seated skepticism within the legal system toward Indigenous knowledge systems, particularly oral traditions, which were often dismissed as unreliable evidence. In the *Bonnichsen* case, such dismissals represented more than mere legal technicalities; they served as a means of undermining Indigenous sovereignty by privileging scientific interpretations over the knowledge passed down through generations.

As I will demonstrate, in *Antikoni*, Beth Piatote crafts a powerful counter-narrative that directly challenges the court's dismissal of Indigenous oral traditions and knowledge. Through her portrayal of an Indigenous woman protagonist who claims Indigenous values of respects and obligations toward her ancestors, Piatote critiques the legal system's refusal to recognize these traditions in the *Bonnichsen* case, framing it as a deliberate attempt to weaken Indigenous claims to identity and cultural heritage. By weaving oral traditions into the fabric of her play, Piatote not only affirms their legitimacy but also highlights their role as central to maintaining cultural continuity and asserting Indigenous rights. In doing so, *Antikoni* becomes a reclamation of narrative power, positioning oral traditions as integral to the struggle for Indigenous sovereignty and as a form of resistance against the colonial legal frameworks that have historically sought to silence them.

4.4. Repatriation in Native American Literature

4.4.1. *Antikoni* and Repatriation in Contemporary Native American Literature

The historical and political issue of repatriation has become a central topic in contemporary Indigenous literature and legal discourse, focusing on the complexities of reclaiming cultural artifacts and human remains that have been held in museums and institutions. Beth Piatote's play *Antikoni* engages with the theme of repatriation, offering a powerful reflection on the theme. The play has garnered significant attention, with staged readings in various Native American studies departments thorough the U.S., and, at the time of writing this chapter, Native Voices at the Autry – the only Actors' Equity theatre in the United States dedicated to developing and producing new works by Native American, First Nations, Alaska Native, and Native Hawaiian playwrights – announced that it will produce the World Premiere of Beth Piatote's *Antikoni* in November 2024. Additionally, *Antikoni* has been incorporated into academic curricula in various fields, including Classics, Rhetoric, Native American Studies, and Theater, Dance, and Performance Studies, at institutions such as Stanford, Harvard, and Berkeley.

I argue that the success of Piatote's adaptation stems not only from its engagement with contemporary debates on repatriation but also from its alignment with a broader literary tradition of Indigenous authors who address these issues. For instance, Pawnee/Otoe–Missouria author Anna Lee Walters' 1994 novel *The Ghost Singer* and

Louise Erdrich's 2005 novel *The Painted Drum* both delve into the cultural and spiritual significance of repatriation. Erdrich's work, in particular, explores the profound meaning ascribed to cultural artifacts and human remains, reflecting the concerns that underpin the 1990 Native American Graves Protection and Repatriation Act (NAGPRA). As Anna Katanski observes, these literary works do more than comment on the law; they actively participate in legal discourse, serving as essential co-texts that foster the critical dialogues required for the repatriation process ("Embodied" 239). Piatote's *Antikoni* thus stands within this tradition, using the power of narrative to interrogate and influence the ongoing legal and cultural debates surrounding repatriation.

4.4.2. Repatriation in Indigenous Theatre from North America

In theatre, the theme of the looting of Indigenous remains has been central to the work of Indigenous women playwrights. Annette Arkeketa's 1999 play *Ghost Dance* was written to "show all communities how disturbing the robbing of our ancestors' graves is and how it affects our people" (108). Featuring a young Indigenous female lawyer as its protagonist, the play intertwines ancient traditions with contemporary struggles, transforming a tragic narrative into one that concludes with hope for the future. Similarly, Hawaiian playwright Victoria Nalani Kneubuhl's *Ola Nā Iwi (The Bones Live)* tells the story of Hawaiian ancestral remains found in a German museum. The play chronicles the journey to retrieve these remains and return them to Hawai'i for burial with traditional rituals, engaging with the larger question of who has the right to bury ancestral remains and under what conditions. Another notable example is the 2015 play *My Father's Bones* by Cheyenne-Muscogee writer and political activist Suzan Shown Harjo and Cherokee playwright and lawyer Mary Kathryn Nagle.

My Father's Bones recounts the struggle of Jack, Bill, and Richard Thorpe to recover the remains of their father, the renowned Olympian Jim Thorpe, and to bury him in Sac and Fox Nation land. After Jim Thorpe's death in 1953, his estranged third wife, Patsy, interrupted his traditional burial ceremony and seized his remains, later selling them to two small Pennsylvania towns that merged and renamed themselves "Jim Thorpe" in an effort to attract tourism. Despite having no connection to him, the town built a mausoleum for his remains. In 2013, a federal District Court ruled that the

town could be classified as a museum under NAGPRA, but in 2014, the Third Circuit Court of Appeals overturned this decision, raising significant legal concerns. The play follows the family's journey to reclaim Jim Thorpe's remains and bury him with his relatives in Oklahoma. Collectively, these works emphasize that repatriation is not merely about the physical return of objects or remains but also about restoring dignity, healing historical traumas, and reaffirming Indigenous sovereignty over cultural and spiritual heritage. They incorporate oral histories in the context of ongoing scientific and legal debates surrounding NAGPRA engaging with the complexities of repatriation, offering Indigenous perspectives on the cultural and spiritual implications of returning ancestral remains and artifacts.

4.5. Indigenizing *Antigone*: Piatote's Decolonizing Re-Interpretation of the Greek Myth

4.5.1. From *Antigone* to *Antikoni*, an Indigenous Adaptation

I contend that the success of *Antikoni* draws not only on the centrality of the theme of repatriation in Native American literature but also on the lasting influence of Sophocles' play *Antigone*. As one of the most frequently adapted plays from antiquity, *Antigone* has served as an instrument for political critique, particularly throughout the twentieth and twenty-first centuries. The play's exploration of themes such as civil disobedience and the tension between individual and state authority has solidified its role as a crucial reference point in political and feminist theory. Written by Sophocles in 441 B.C., *Antigone* is set after a civil war in which the sons of King Oedipus, Eteocles and Polynices, kill each other. Creon, the new king and Oedipus's brother, condemns Polynices as a traitor and denies him a proper burial. In defiance of Creon's decree, Polynices's sister, Antigone, buries him. Consequently, she. Her fiancé, Haemon, Creon's son, pleads for her release but is ignored. Antigone is entombed alive, and both Haemon and his mother, Eurydice, take their own lives in grief. The play ends with Creon, the only survivor, facing the consequences of his actions. One of the most adapted ancient Greek plays, the play remains very much alive today. Modern adaptations, especially after World War II, have utilized Antigone's defiance in burying her brother – despite the decree of Creon, the ruler of Thebes and her uncle – to emphasize themes of resistance against authoritarian and colonial powers. The adaptations are not limited to Western contexts; Antigone has been widely adapted in

Latin America, the Caribbean, and Africa⁸. In political and feminist theory the play serves as a touchstone for arguments about civil disobedience, and its protagonist regarded in terms of her infamous father Oedipus.

Piatote's reinterpretation of the Sophoclean play is characterized by significant changes that place its theme firmly in the present debates over NAGPRA and repatriation of Indigenous remains and sacred objects. First, Piatote shifts the protagonist's focus from seeking the remains of the recently deceased to reclaiming those of long-deceased ancestors. Crucially, the fact that these remains are over a hundred years old does not diminish their significance in fulfilling the Indigenous legal obligations the protagonist aims to honor. The second major alteration is the transformation of the original Greek conflict over the burial of a brother who betrayed his city into a conflict over the treatment of Indigenous human remains within the context of settler colonialism. In *Antikoni*, it is not just one brother, but both, who are denied a proper burial and whose remains displayed as objects in a museum. The historical grounding serves as a crucial foundation for understanding how *Antikoni* critiques contemporary repatriation debates and the erasure of Indigenous voices within them. By connecting past colonial violence to the present struggles over the rightful return of ancestral remains, the play highlights the continuity of colonial practices in modern legal and cultural institutions. This connection between past and present allows Piatote to emphasize how historical injustices continue to shape the repatriation issues today, challenging the persistence of colonial attitudes in the processes that govern the return of Indigenous remains to their communities. What follows is a deeper exploration of how the play's prologue sets up this critique, focusing on the intertwined histories of violence and repatriation that inform the central conflicts of the narrative.

4.5.2. Colonial Violence and the Politics of Repatriation

The prologue that opens the play bridges the colonial past with the present-day museum setting where the central action unfolds. Instead of focusing on the immediate circumstances of the action, the prologue introduces the story of two brothers, Antikoni's ancestors, Polynaikas and Ataoklas, whose lives and deaths are set against the historical backdrop of the Nez Perce War of 1877 in the American Northwest.

⁸ For an overview of modern adaptations of *Antigone*, see Erin B. Mee, Helene P. Foley, *'Antigone' on the Contemporary World Stage. Classical presences*. Oxford University Press, 2011.

During this conflict, factions of the Nez Perce refused to abandon their ancestral lands, which had been protected by treaty, to relocate to a reservation in Idaho. After initial resistance, the Nez Perce attempted to flee to Canada, but they were ultimately forced to surrender just before reaching the border, surrounded by American troops aided by the Crows. One of the two brothers, Ataoklas, is taken captive as a child by the Crow people and eventually becomes a scout for the U.S. Cavalry, while his brother, Polynaikas, remains with the Cayuse people. This separation sets the stage for their inevitable confrontation as the two brothers find themselves on opposing sides of a brutal colonial war. Their fateful encounter occurs in a valley, where they engage in a fierce and tragic battle. The story describes how “their shields, cries, and blood intermingle”, as they both fall, “filling the earth, darkening their homeland, the self–shared blood that flowed from their mother when they first left her body. They fell silent there, arm to arm, and colored that valley bed with the dark stain of broken brotherhood” (119).

This imagery underscores the devastating consequences of colonialism, as even familial bonds are destroyed, leaving the brothers as victims of a system that pits Indigenous people against one another. This is further exemplified in the story but the further treatment of the two brothers’ remains by the U.S. soldiers: “The Blue Coats stripped the brothers of their clothes, shields, medicine bundles, and war shirts adorned with beads, shells, and strands of their sisters’ hair. Soon there was nothing, then, to mark one brother as Cayuse and the other brother as Crow” (120). Deprived of the sacred rites that should accompany a warrior’s journey to the afterlife, their humanity and sacred connections to their communities are effectively erased. The beginning of the play introduces the historical trauma of having Indigenous bodies not only killed but also desecrated and treated as property by the colonial state. The desecration of the bodies is followed by the bodies are later exhumed and cataloged by the “White Coats”, who “measured, indexed, catalogued, and arranged the brothers in separate tombs that were metal drawers, gave them numbers and sealed the vaults” (120). This bureaucratic treatment of the dead emphasizes the dehumanizing effects of colonialism, where Indigenous remains are treated as artifacts for study and display, rather than as ancestors who deserve respect and reverence.

Thus, from the very beginning, the play draws a direct connection between the colonial dispossession of Indigenous lands and the dispossession of sacred objects and human remains. By setting the prologue during a colonial war, the play reframes the debates over repatriation in a clear political realm, and presents a critique of the claims to neutrality and objectivity that underscore scientists and legislators' claims in *Bonnichsen*. As Claymont Dumont argues, the most effective way to challenge the presumed epistemological superiority of critics of repatriation is by recalling that many of the remains housed in museum collections are, in fact, the bodies of war dead (112). These individuals did not enter museum archives as a direct result of military conflict, often in the aftermath of wars waged against Indigenous peoples. Their presence in the storage rooms of museums and universities is not merely a byproduct of scientific curiosity, but a reflection of the raw military power exercised by the United States during its colonial expansion (Dumont 112).

Through the prologue, Piatote emphasizes the political conditions under which Indigenous remains were taken, exposing the ongoing colonial structures that continue to underpin many scientific and museum practices. By doing so, it challenges the narrative that portrays these institutions as neutral arbiters of knowledge. This erasure of the violent origins of these collections reinforces the same power dynamics that enabled the initial dispossession of Indigenous lands, bodies, and cultures. Through this foundational narrative, Piatote sets the stage for the events that follow, reframing acts of dispossession as deeply political maneuvers aimed at asserting and maintaining colonial control over Indigenous peoples, their lands and their cultures. By foregrounding these historical and ongoing injustices, Piatote's work insists that such acts are not neutral or "extra political" but are instead instruments of colonial domination, serving to perpetuate the legacy of dispossession and cultural erasure.

4.5.3. *Antikoni* and the Politics of "Rematriation"

While through the prologue, Piatote establishes a direct link between the colonial dispossession of Indigenous lands and the seizure of sacred objects and human remains, in the subsequent scene, which introduces Antikoni and her sister Ismene in a museum where their ancestors' remains are "locked in unholy repose, along with the remains of thousands more" (120), the playwright emphasizes the enduring effects of colonial

oppression. By having Antikoni describe the museum as a symbolic prison – where the dead are confined and denied their sacred rites – Piatote reveals how historical injustices persist into the present and how colonial violence expresses itself also through the dehumanization Indigenous peoples’ remains, further dispossessing them of their heritage and cultural identity.

Antikoni’s speech encapsulates this enduring trauma inflicted by the captivity of their ancestors: “We were born into this suffering. That our own blood would be divided from us, that our mourning could never come to an end, for it can never properly begin” (121). Her words denounce a recently passed decree that prohibits sacred rites, such as drumming, singing, and the burning of sweetgrass, for their ancestors. This prohibition parallels the decree that forbids the burial of Polinices and starts the action in the Sophoclean *Antigone*. However, the law here affects not just one brother but both, along with the “thousands more” who remain part of the museum’s collection. By banning these rituals, the state not only confines the dead but also imposes a form of captivity on the living, keeping them in a state of spiritual suspension, as Antikoni emphasizes: “And what is denied the dead is denied the living ten times again. We remain the captives with them” (121). This statement expresses a “relational reality” where “reality is perceived as moving beyond the immediate human ego to encompass a wide range of beings and experiences. Respect extends beyond life and connects each part of the kinship network to others” (Justice, *Why Indigenous* 124).

As Cherokee scholar Daniel Heath Justice affirms, in this approach, “the boundaries between our reality and the Spirit Worlds are thin and permeable, and they bleed into one another. Giving proper respect to the ancestors isn’t just good manners, it’s also good sense for the course of one’s own life, as any harm introduced into the network of relationships will affect every participant, living and dead alike” (*Why Indigenous* 124). This understanding of a “relational reality” reflects Antikoni’s belief that the captivity of the ancestors profoundly impacts the entire community. The colonial refusal to allow the proper honoring of the dead causes a rupture that reverberates throughout the kinship network, affecting both the living and the dead within that spiritual and cultural relationship. When Antikoni laments that their “own blood” is “divided” from them, she is denouncing the deep rupture that severed relationships with the ancestors provoke in Indigenous communities. Her words highlight that the captivity of the dead is part of a

broader colonial politics of dispossession that began in the early stages of colonialism. Until the ancestors are properly repatriated and honored with the rites and respect they deserve, the living remain trapped in a cycle of unresolved mourning that stands as a form of captivity in itself – imprisonment within the power structures of the colonial state, which continues to exert control over Indigenous lives, lands, and cultural traditions. Antikoni denounces the refusal to allow Indigenous people to honor their ancestors as an ongoing colonial assertion of dominance over Indigenous peoples, their lands, and their cultural practices. By controlling not only the physical bodies of the dead but also the rituals that connect the living to their ancestors, colonialism continues to undermine Indigenous sovereignty by disrupting the spiritual and cultural foundations of Indigenous communities.

Piatote constructs the museum, which serves as a setting for the play's action, as a space which is subject to and enforces a colonial legal framework that continues to dispossess Indigenous peoples. In this way, the museum shows how colonial law permeates the characters' experiences. Antikoni's statement, "[i]t is in the shadow of this Hall that I called you here alone. It is in the shadow of this law that I speak" (121), highlights the pervasive influence of colonial law, which governs and restricts their actions. Piatote starts Antikoni's speech by having her condemn the recent acquisition of Ataoklas' war shirt and Kreon's plan to display it in an exhibition celebrating Ataoklas' supposed heroism in service to the U.S. She rejects her uncle's decision to frame Ataoklas' life through a Western narrative, which reduces his legacy to a sterile display of the war shirt, which he labels as a "state's treasure" (123), not only stripping Ataoklas of his Indigenous identity but also reinforces the colonial narrative of white dominance. By rejecting the reification and objectification of her ancestor's war shirt, Antikoni directly challenges the museum's practice of displaying Indigenous remains and sacred objects out of their cultural context. This practice strips these items of their deeper meaning, as it "ultimately denies their larger story", severing their living connections to the people and communities to which they belong (Schweninger 264). She then boldly declares her intention to reclaim not just the ceremonial shirt, but also the remains of her ancestors. Yet, her sister Ismene, responds with caution, warning her of the overwhelming forces aligned against such defiance. "You know this cannot be

done. Not only Kreon will stop you. The laws will stop you. The bodies are ungoverned by us; they are the State's treasure" (123).

Through Ismene's response to Antikoni, Piatote emphasizes the unique position of Indigenous women as both preservers of cultural continuity and primary targets of colonial violence. Ismene's speech articulates the breadth of legally sanctioned settler-colonial practices and their devastating impact on Indigenous families and broader communities: "Our father is dead by his own hand, our mother by disease. Both could not bear their own living flesh. Our grandfathers and grandmothers were forced to boarding schools, beaten and assailed by brutes. Our great-grandparents survived the war, lived through the Hot Place, endured Leavenworth, and prisons filled with children. Not so many generations back our people were slaughtered" (123). Her reference to boarding schools is particularly significant, highlighting how the history of dispossessing Indigenous families from their children and the history of looting Indigenous cultural heritage are intimately connected. The residential school system was not an isolated atrocity but part of a broader colonial strategy aimed at undermining Indigenous ways of knowing, being, and doing, all to facilitate the exploitation of land and the imposition of Western concepts of ownership.

Ismene's speech thus serves to underscore how the legacy of this violence and cultural erasure persists into the present, transmitted across generations alongside the settler-state's biopolitical control over and pathologizing of Indigenous bodies (Tallbear, "Making Love" 154–155). Piatote uses Ismene's response to Antikoni to reveal the particular vulnerability of Indigenous women under colonialism, showing how they are disproportionately targeted by policies of cultural genocide aimed at disrupting the transmission of Indigenous knowledge, heritage, and kinship. Ismene's statement, "[we]e are women and have more to lose: our life-giving, our blood. They take away children, they sterilize mothers. These things they have done" (123), powerfully conveys the gendered nature of colonial violence. Her words not only caution her sister but also draw attention to the historical and ongoing assaults on Native peoples, specifically through attacks on women. Practices such as residential schooling and forced sterilization were key components of a systematic effort to sever the cultural continuity of Indigenous communities, targeting the foundations of life, kinship, and cultural inheritance through the bodies of women. By centering Antikoni's

claim to her ancestors' bodies, the play reclaims the crucial role of Indigenous women, their knowledge, and their actions in the collective struggle for decolonization. Piatote positions Indigenous women as vital agents of cultural survival and community resurgence, even as they face the compounded pressures of both historical and contemporary colonial violence.

Moreover, through Ismene's remarks, Piatote frames Antikoni's actions as distinctly political rather than merely ethical. Ismene continues to oppose Antikoni's plans while shifting her argument in a new direction. She urges Antikoni to "think of our kinsmen / Of other Red Nations. What will you risk of theirs? /You may succeed in your Dangerous quest – you may bring the lost brothers home. /But surely your fate will befall the others. [...] The Tribes will be angry if your stunt closes the door/To all others who pray for their Ancestors' remains. /Those Tribes who have papers, who are following/The rules as NAGPRA demands. They will lose if you succeed" (124). By highlighting the potential harm Antikoni's defiance might inflict on other Indigenous communities and their efforts at repatriation, Ismene underscores the political consequences of Antikoni's resistance.

Thus, Ismene at once both warns of the dangers in defying state law while acknowledging the potential political power of Antikoni's actions. Indeed, Antikoni's stance is not merely ethical but distinctively political, a point she makes explicit in her response: "I will return our Ancestors home, to give peace / To the living and the dead. And I will soon / find this peace. I am ready for it. It is better to die a noble death / than to live as a captive [...]". Antikoni's claim to return their ancestors' remains home frames her "*politics* of lamentation" (Honig 149) as a dissenting quest for sovereignty, standing in direct opposition to Western colonial political and legal state structures. Her lamentation is not just ethical; instead, it is a "contested practice, part of an agon among fractious and divided systems of signification and power" (Honig 2). Consequently, her words do not suggest disregard for other Indigenous communities that work within NAGPRA's framework, as Ismene seems to suggest. Rather, her claim to honor her ancestors reflect a "contested practice" that opposes repatriation practices in Western legal systems that "affirm federal and scientific authority to recognize—or not – the native" rather than fostering genuine politics of repatriation grounded in Native epistemology and expertise (Barker 95).

Moreover, Piatote contrasts Antikoni's attitude sharply with that of her sister, portraying Antikoni not as lamenting powerlessness under state rule but as reframing her actions as part of a broader project of maintenance, repair, and planning for alternative futures (Honig 2). In this way, Antikoni's actions are shaped not merely acts of opposition to hegemonic structures but rather, they affirm a deep sense of belonging that honors both the living and the dead, resisting the impositions of Western legal systems. By doing so, Antikoni engages in and embodies the concept of "rematriation" defined as an Indigenous feminist paradigm, a "sociopolitical mode of resurgence and refusal" and "embodied praxis of recovery and return" (Gray 1). In rejecting colonial legal frameworks and the institution like the museum that are subject to them, Antikoni embodies rematriation as a "decolonial alternative to repatriation, one that is rooted in Indigenous legal values and practices" and that involves a "politics of refusal" in dealing with settler states and subjects (Gray 5). To her sister's warning that "direct action against / the State is suicide" (125), Antikoni responds: "You will see what talk has gotten us in all of these years. I will not treaty that way/I will treat with my actions" (125). By refusing to "treaty", Antikoni evokes and at the same time opposes negotiation, but also the "colonial dynamic of translation" that was central to treaty-making and that continues to be represented in "the agonistic structure of federal Indian law" (Cheyfitz 8). As Eric Cheyfitz observes, historically, during treaty conferences, speeches were typically delivered through interpreters, making their task of translating Native diplomatic jargon not merely a linguistic but a political one, as the process of translation directly shaped how Native voices were represented and understood within the colonial framework (8).

Viewed through this lens, Antikoni's declaration that she will "treat with [her] actions" signifies a rejection of translation as a colonial imposition of Western political and epistemological frameworks on Indigenous cultures. One of the major examples of this colonial process involved translating Indigenous land into "property", a move that disrupted Native kinship relations to land. This stands in stark contrast to traditional Native American conceptions of land as an inalienable part of the communal, defined through extended kinship relations rather than individual ownership (Cheyfitz 10). By rejecting the colonial dynamics of translation and declaring her intention to act, Antikoni not only challenges colonial authority but also affirms her agency in an

understanding of the role of communal responsibility and shared experiences in forming and maintaining kinship relationships. This refusal of the imposition of translation, that will be central in her confrontation with Kreon, emerges in Antikoni's use of Indigenous relational terms in Nez Perce language to refer to her ancestors. She affirms: ʔáyi, ʔikú·yn nú·nim titílu hiwsí·x! I cannot betray them” (Sister, they truly are our ancestors”). It is significant that Antikoni responds in this way to Ismene, who warns her by stating that “the words of the State will snare [her]”. This exchange between the two siblings emphasizes the critical role of language in expressing the conflict between contrasting cultural, legal, and political systems. Antikoni counters the State's language – representing the legal framework that dictates how Indigenous remains are handled— with an Indigenous language of kinship, which is rooted in cultural and social responsibilities (Lindberg 5).

Thus, Piatote portrays Antikoni's politics of repatriation as not only expressing what she refuses – dispossession, colonialism, heteropatriarchy, and white supremacy – but also as affirming her commitment to “producing and maintaining alternative structures of thought, politics, and traditions away from and in critical relationship to states” (Simpson 2). Antikoni's stance emerges even more as a political one, focused on the understanding that repatriation efforts must focus on the essential goal of achieving justice and healing the wounds of dispossession, prohibition, subjugation, alienation, and dislocation caused by centuries of targeted attacks on Indigenous communities and identities, the same historical injustices Ismene has just listed. In condemning the display of her ancestor's war shirt in the museum, Antikoni refuses the envisions a future where recovery is not just about the return of objects or remains, but about the restoration of Indigenous worldviews and the full reclamation of cultural sovereignty. By staging Antikoni as a political actor and activist who fights on behalf of the sovereign form that she considers to be hers by right, play forms an Indigenous feminist activist project that reinstates the critical role of Indigenous women in the fight for decolonization. Antikoni's engagement with the politics of repatriation underscores the importance of placing Indigenous women at the center of reclamation efforts, recognizing that true sovereignty cannot be achieved without their leadership.

Notably, Indigenous women's activism has been crucial to the passing of NAGPRA. As previously discussed, Yankton Sioux activist Maria Pearson's, role, both

in the public eye and behind the scenes, highlights how Indigenous women have consistently been at the forefront of reclamation and revitalization movements. Piatote's reinterpretation of the ancient Greek character as an Indigenous woman activist moves beyond how modern liberals, humanists, and even radical democratic theorists typically view Antigone—either praising her courage and heroism or critiquing her as anarchic or reckless (Honig 8). Drawing on Bonnie Honig's analysis of Antigone in Sophocles' play, I argue that Piatote grants Antikoni a political agency often absent in these readings, framing her actions as a deliberate practice of meaning-making “on behalf of collective life” (Honig 8). In doing so, the play offers a powerful critique of the Bonnicksen decision, which prioritized a legal framework centered on individual rights and scientific authority, thereby reinforcing the dominance of Euro-American values over Indigenous perspectives. In doing so, Piatote also presents a broader critique of Western liberalism and its implications. This critique unfolds in two key ways: Piatote critiques Western liberalism in two critical ways: first, by challenging its emphasis on individual rights and autonomy, which conflicts with the collective responsibilities and interconnectedness at the core of many Indigenous worldviews; and second, by exposing the failure of liberalism to account for Indigenous beliefs that view ancestors as active participants in communal life. As political theorist Tim Mulgan notes, liberalism, especially in post-colonial contexts, is not neutral – tends to confine relationships with the dead to mourning, limiting the broader cultural and spiritual dimensions that Indigenous communities attribute to these bonds (56).

Piatote illustrates this critique through the dialogue between Ismene and Antikoni, highlighting the tension between Western individualism and Indigenous communal values. In this moment, Ismene communicates a perspective shaped by Western ideals, failing to grasp the broader significance of Antikoni's mission. She accuses Antikoni of “choosing the dead over the living” (125) while focusing on Ataoklas' betrayal: “You would restore the one who betrayed us, / Ataoklas, who rode out against his own brother. / What do we owe him for that? He made the Cavalry his kinsmen – let him sleep uneasily with them” (125). Ismene's critique, grounded in a framework that privileges the needs of the living, overlooks the profound cultural and spiritual importance of sustaining relationships with ancestors, which remains central to Indigenous worldviews.

In contrast, Piatote uses Antikoni's response to articulate a rejection of these Western values. When she asserts, "[b]y blood he belongs to us", she invokes a deeper sense of kinship that goes beyond the Western notion of blood as a mere biological connection. Her statement aligns with N. Scott Momaday's concept of "blood memory", which, as Chadwick Allen explains, resists the colonial attempts to confine Indigenous identities within dominant frameworks, such as those based on "blood quantum" or "degree of Indian blood" (94). Allen notes that Momaday's blood memory "achieves tropic power by blurring distinctions between racial identity and narrative" and "redefines American Indian authenticity in terms of imaginative re-collecting and re-membering" (94). In this context, blood is not simply a biological marker but a symbol of memory and cultural continuity that passes through generations. Antikoni's reference to blood, then, becomes an assertion of cultural continuity and ancestral connection, resisting the colonial impulse to reduce Indigenous identity to a matter of genetics. Moreover, while Ismene's judgment is grounded in a dichotomy of loyalty and betrayal, Antikoni reframes the conversation by emphasizing her duty to honor her ancestors as a fundamental obligation, not a conditional privilege. Though she acknowledges Ataoklas' actions, she approaches them with a tone of irony, referring to him as "the brave Ataoklas who gave his life for the State, who killed his own kin for Manifest Destiny". Most importantly, Ataoklas' actions become secondary to the kinship ties that bind Antikoni and the obligations that arise from them. Antikoni's actions are embedded within and enacted on behalf of "forces, structures, and networks larger than the autonomous individual" (Honig 8).. In this light, Antikoni is not choosing "the dead over the living" but rather offering affirming a worldview where the relationship with the dead has an active impact on the world of the living. Moreover, Antikoni's claim to ancestors who died over a hundred years ago redefines what constitutes a relevant time frame for understanding community, standing in opposition to the limited liberal view of a society constituted only of living.

In *Bonnichsen*, the Ninth Circuit Court of Appeals rejected oral tradition as valid evidence for establishing the Kennewick Man's affiliation. However, Native American claimants, such as Rebecca Tsosie, emphasize that their connection to the remains goes beyond scientific evidence. As Tsosie explains, Native Americans "speak out of a sense of respect, kinship, and the need to protect their ancestors. Native Americans believe

they have a duty to protect all of the ancient people of this continent, and, by doing so, they believe that they are protecting the modern descendants of these early people” (677). By dismissing oral tradition as evidence, the ruling set a precedent that made it significantly more difficult for Native American tribes to claim ancient remains under NAGPRA, unless a direct link to a modern tribe can be scientifically proven. By raising the standard for proving cultural affiliation, especially for remains predating current tribal distinctions, the ruling complicates repatriation efforts.

Antikoni responds to the *Bonnichsen* case decision by challenging the dominance of the law that, as Cheryl Suzack argues, represents a “hegemonic political discourse formed within colonial systems that serve as a barrier to alternative accounts of Indigenous political authority and cultural practice” (*Indigenous Women’s Writing*, 9). The play critiques the dismissal of Indigenous cultural claims imposed by the *Bonnichsen* ruling by depicting a young Indigenous woman’s active participation in tribal decolonization. Through the affirmation of Indigenous values that prioritize communal responsibility for ancestral remains, *Antikoni* asserts a collective duty to protect the past as a crucial aspect of safeguarding the future. This act of defiance counters the narrow legal framework that limits cultural claims to lineal descendants, offering instead a broader Indigenous perspective rooted in communal care and continuity.

The play’s emphasis on Antikoni’s defiance and her affirmation of communal responsibility for ancestral remains contrasts sharply with Kreon’s position, highlighting differing approaches to Indigenous identity and sovereignty. While Antikoni’s actions challenge colonial legal constraints through a commitment to cultural continuity, Kreon’s character embodies the complexities and contradictions of navigating Indigenous leadership within a colonial framework.

4.5.4. Kreon and the Rhetoric of Survival

Piatote constructs the character of Kreon to illustrate the complexities and contradictions faced by Indigenous peoples who operate within colonial frameworks. Through Kreon’s interactions, especially his address to the Chorus of Aunties, Piatote reveals the character’s alignment with colonial narratives and his role as a museum curator, highlighting how his language reflects a complicity with the colonial state. My

analysis delves into how Kreon's use of language constrains the possibilities for Indigenous self-representation, thereby limiting sovereignty.

Kreon appears on stage at the beginning of the second scene, revealing himself as a deeply contradictory figure, embodying both the role of a leader within the Indigenous community and a collaborator with the colonial state. This duality is immediately evident in his address to the Chorus of Aunties, where he seeks to establish both his authority and his alignment with colonial narratives:

“I ask to speak privately with you, / Honored counselors in domestic affairs, wise guardians / Of our domestic dependent nations. / I have ascended most humbly to this rank of power / As trusted interpreter of days gone by—bloody battles and tales / of valor, Treacherous acts and land redeemed—such are my stories” (130).

Kreon addresses the chorus of Aunties with a mix of humility, pride, and self-awareness of his position within both the Indigenous community and the colonial state. He acknowledges his rise to power as a “trusted interpreter of days gone by”, highlighting his role as a curator of the museum. By referring to the Aunties as “guardians” of these “our domestic dependent nations”, he both acknowledges their traditional role as cultural protectors and simultaneously frames their authority within the colonial framework that diminishes Indigenous sovereignty.

Indeed, he directly invokes Chief Justice Marshall's legal terminology from *Cherokee Nation v. Georgia* (1831), which defined Native tribes as “domestic dependent nations” and fundamentally altering their political status, pointing out that the nationhood of Indian tribes was limited primarily by U.S. military conquest (Piatote, *Domestic Subjects* 5). Beside proclaiming the tribal political organizations as dependent, it also defined their members as “wards of the nation”, existing in “a state of pupilage” (*Cherokee Nation v. Georgia*. 30 U.S. (5 Pet.)). The ruling also declared that “Their [Native nations'] relation to the United States resembles that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the president as their great father” (ibid). As Beth Piatote argues in her study of nineteenth-century Native American literature *Domestic Subjects: Gender, Citizenship, and Law in Native American Literature*, the Supreme Court used familiar metaphors to “rationalize the

order of the settler state”, shaping “the legal and material foundations of political relations” between Native nations and the colonial government (5). A key element of this paternalistic structure is “the supposed alignment of interests between the “benevolent” father and his dependent wards” (5).

By having Kreon employ the same metaphors that the Supreme Court historically used to justify the dispossession of Indigenous peoples, Piatote emphasizes his acceptance of the imposed colonial and patriarchal hierarchy, framing Indigenous nations as subordinates in need of guidance and protection. At the very beginning of his speech, he affirms: “My Elders, my Aunties. Our house that was once / teeming with thieves / Is now under our keep once again” (129). His assertion can be interpreted as an attempt to position himself as a figure of restoration and control, but in light of the overall tone of his speech, it underscores the colonial logic that viewed Indigenous people as uncivilized. Historically, colonial narratives have depicted Indigenous societies as chaotic, lawless, or in need of civilizing control. In this sense, Kreon is represented as aligning with the colonial agenda of imposing order on Indigenous nations, positioning himself as a stabilizing force that has restored control over what he portrays as a previously unruly and chaotic situation. The use of the term “thieves” is particularly ironic, as it is the colonizers who, from the perspective of Indigenous peoples, are the true perpetrators of theft, having seized land, resources, and cultural heritage from Indigenous communities. Kreon’s reference could be seen as an unconscious projection of this reality.

Piatote skillfully constructs this scene to highlight the complex layers of Kreon’s rhetoric and the implications of his behavior for himself and the entire community. While Kreon frames the disorder of the past as a result of internal dysfunction, Piatote reveals that the true disorder—the theft of land, culture, and sovereignty—was inflicted by colonial forces. Kreon’s claim that their house is “now under our keep once again” suggests a restoration of control, but Piatote carefully raises the question: whose restoration is it? Although Kreon appears to suggest that the community has regained self-governance, he quickly contradicts this by affirming that the nation remains “dependent” on the State, echoing the same colonial language used to subjugate Native peoples. Through Kreon’s contradictory statements, Piatote demonstrates how his rhetoric reinforces a distorted colonial worldview, marginalizing Indigenous

experiences and perpetuating the systems of control that continue to undermine Indigenous cultural sovereignty.

I suggest that Piatote exposes the contradictory nature of Kreon's speech in almost every point that he makes. While he acknowledges the Aunties' sociopolitical power, he immediately undermines their authority by reframing it within legal and political definitions imposed by the colonial state. Notably, Kreon's use of paternalistic terms reveals also that he is weakening the Aunties' roles not only as Elders and authorities within Indigenous governance systems, but also as women, reinforcing the patriarchal policies that sought to erase Indigenous women's authority and disrupt gender roles balance within Indigenous communities as part of the colonial assimilationist agenda. The paternalistic structure of colonial power also extends to the very concept of repatriation, which, derived from the Latin *pater* (father), reflects a return to the "fatherland" and assumes that what is being returned – whether artifacts, people, or profits – are patriarchal possessions (Gray 15). By referring to himself as a "trusted interpreter of days gone by" suggests that he views himself as the authority on how Native ancestors and artifacts should be represented and the storyteller who controls the narrative of Indigenous history within the museum.

Piatote also underscores how Kreon, as both a man and a "ward" to the State, also complies with the notion that, as Audra Simpson clearly puts it, "the State is a man" (2016b). When in the following scene, he learns from the Guard that someone has taken out the bodies from the museum, he states his position explicitly: "For though I am the Headman here, I remain/A government-appointed chief, granted powers to sign/ The futures and pasts of our People"(134). However, Kreon admits that his authority comes from the government. Through this admission, Piatote highlights that Kreon performs what Richard Lyons calls "rhetorical imperialism" – a strategy in U.S. legislation that systematically eroded Native rights and sovereignty by controlling the language of legal and political discourse, transforming, or *translating*, terms like "nation" into "tribe", "treaties" into "agreements" and "sovereigns" into "wards" (qtd. in King 78). As Lyons points out, "he who sets the terms sets the limits" of both discourse and law (ibid.).

Through Kreon's reference to himself as a "trusted interpreter", Piatote also suggests that he has gained favor with the colonial state by aligning himself with its narratives

and by suppressing more radical or defiant interpretations of Indigenous history. Kreon openly admits to shaping his public persona to fit the expectations of the colonial power, “the State sees me its pet, just as I would have it”, showing a self-awareness that positions him as an Indigenous man who navigates the colonial system not through open resistance but through compliance. . Piatote portrays Kreon’s strategy as one of pragmatic accommodation, seeking to retain authority and influence within a system that rewards submission. Piatote incorporates Indigenous history into the text by having Kreon name important Indigenous figures, such as Chief Joseph (Hinmatóowyahtqít) of the Nez Perce and Captain Jack (Kintpuash), among others, who faced physical imprisonment by the U.S. government. The reference to these figures allow the playwright to highlight the historical pattern of colonial control aimed at restricting Indigenous freedom and mobility. As these examples demonstrate, one of the most effective colonial strategies for suppressing Indigenous resistance was through physical containment. Native peoples’ freedom of movement was initially restricted by borders separating ‘civilized’ and ‘frontier’ lands, and later confined within the specific boundaries of reservations, land allotment policies, and finally through urban relocation programs that promised job opportunities in cities, ultimately confining young Native peoples to urban ghettos (Stanlake 169). These physical constraints were coupled with legal limitations, as Indigenous nations’ sovereignty and independence were further curtailed by their classification as “domestic dependent nations”.

Kreon’s language, and the mode of translation it reflects, cannot be separated from its colonial function as an instrument of containment – a role that Anishinaabe scholar and author Gerald Vizenor associates with both translation and representation. Vizenor notes that “representation” coupled with the “obscure maneuvers of translation” produces “strategies of containment” that operate across various discourses (*Manifest Manners* 70). These strategies frame translation as a key tool of colonial domination, shaping how Native people have been (mis)represented in public discourse. According to Vizenor, these representations are mere simulations that replace the real, erasing the authentic presence of Native American identities (*Postindian* 85). Vizenor terms these representations and strategies of dominance imposed on Native peoples as “manifest manners”, or “the course of dominance, the racialist notions and misnomers sustained in archives and lexicons as ‘authentic’ representations of *indian* cultures” (*Manifest*

Manners vii) and he specifically connects them with translation, affirming that Native American identities have “endured the manifest manners of translation for more than three centuries” (“Ruins of Representation” 9). To buy into the simulation of the “*indian*” is erase Indigenous peoples’ real presence. I argue that Piatote builds Kreon as a character who adheres to what Vizenor terms “terminal creeds”, or “beliefs which seek to fix, to impose static definitions upon the world” (Owens, “Ecstatic” 144).

Through Kreon’s rhetoric, Piatote reveals how he internalizes and perpetuates colonial stereotypes of the Native American as both the “noble savage” and the “vanishing race”. This is particularly evident in Kreon’s invocation of stereotypical representations of Native American collaborators in reference to historical and political contexts that shaped Native–American and colonial interactions: “I speak the Great Law of Peace / Squanto’s desire, and all the brave deeds of dying braves / Who gave up their blood for Democracy” (130). By mentioning Squanto, a figure portrayed in white–centered histories as a benevolent helper of colonizers, Kreon succumb to his own terminal creeds of the Native as a passive contributor and symbol of Indigenous subservience during the expansion of the empire, creed that compel him to the oppression of dominance. Once again, Piatote has Kreon echoing Supreme Court’s Chief Justice Marshall’s language in *Johnson v. McIntosh*, which justified the seizure of Indigenous land through the “savage vs. civilized” narrative. Marshall closed his argument by characterizing Native Americans as both “savage” and “brave”, reducing them to a dependent status. Similarly, Kreon invokes the “brave Indian” stereotype, glorifying Indigenous contributions to settler hegemony while implicitly accepting the portrayal of Native peoples as in need of “civilizing control” (*Johnson & Graham’s Lessee v. McIntosh*, 21 U.S. 543 (1823))

Piatote emphasizes Kreon’s alignment with the racist language of Marshall’s rulings in *Johnson v. M’Intosh* through Kreon’s reaction to the theft of the bodies from the museum. He states, “An Indian is yet a savage, after all, under their law. / And truly an Indian is most capable of this savagery” (135). Additionally, Piatote contrasts Kreon’s intention to reshape Ataoklas’s story - promising to tell it “as it has never before been told” (130) - with Antikoni’s belief that her ancestors’ bones hold the potential to heal her people. Antikoni’s vision seeks to liberate Ataoklas from the “terminal creed” that limits his legacy to that of a mere colonial collaborator and Western assimilator. Kreon

is convinced that his retelling will ensure Ataoklas's legacy is revered: "His name will be spoken with awe / And gratitude and honor / For surely he made great sacrifice / To kill his own for the greater Good and security of our homeland" (130). By framing Ataoklas's betrayal of his own people as a noble and necessary act for the "greater good" and the security of the colonial state, Piatote presents Kreon as reinforcing the very "terminal creed" that reduces Ataoklas to the ultimate "other". This portrayal suggests that Kreon confines Ataoklas to a static identity, defined entirely by his role within the colonial framework. Whatever inscription is placed on the museum plaque to describe his regalia and bones will merely reinforce a one-dimensional narrative, aligning Kreon's actions with what Vizenor refers to as the tragic or "hypotragic mode of social science theories" ("Trickster Discourse" 282). This approach isolates specific "elements" of tribal narratives, reducing the complexity of human experience into modular, disconnected components ("Trickster Discourse" 282).

Encased in glass, Ataoklas's bones and regalia become symbols of the "terminal creed", with his story frozen in time, reduced to a representation that serves colonial interests, rather than reflecting the complexity of his identity. Praising his ancestor's for allying with colonial forces, Kreon frames it as a necessary sacrifice for their Tитоquan (their people) to survive and to "live in /the land of our fathers" by making "kinship with countrymen, the Conquerors". Piatote's portrayal of Kreon emphasizes the ironic and paradoxical nature of his understanding of kinship within an Indigenous context. As I previously mentioned, kinship in Indigenous worldviews is not "a thing" but rather "an active network of connections", a process of continual acknowledgment and enactment that situates the individual within a web of relations that include family, community, land, animals, nature, and the obligations that arise from these relationships (Justice, *Why Indigenous* 124). Piatote highlights this irony through Kreon's use of the term "kinship" in relation to his collaboration with colonizers – those who have historically subjugated Indigenous people and codified their cultural practices. Piatote further underscores Kreon's alignment with colonial authority by depicting his adherence to "terminal creeds", which rigidly fix ideas into inflexible rules. This is evident in how Kreon categorizes Indigenous people, distinguishing between those who comply with colonial law and those who "hold vigil, who plot to take this treasure, who turn to guerilla means" (131). Through these distinctions, Piatote positions Kreon as an

enforcer of colonial authority, reinforcing his role by having him declare that he must “deny” those who resist, even asserting, “they are not my kin” (131). Through her portrayal of Kreon’s adherence to terminal creeds, Piatote emphasizes the dangers of rigidly defining identity within a colonial framework. By having Kreon sever his ties with members of his own community who resist colonial authority, Piatote reveals how such inflexible beliefs can lead to the abandonment of communal bonds. . The reference to those who “hold vigil” alongside those who use “guerilla means” suggests that even peaceful forms of resistance are seen as a threat.

By having Kreon categorizing both spiritual resistance and armed rebellion as acts of defiance, Piatote portrays Kreon as aligning with colonial authority’s intolerance toward any challenges to its power. Through Kreon’s character, Piatote shapes a complex and contradictory figure – an Indigenous leader who attempts to reconcile the inherent tension between his role within his community and his allegiance to colonial rule. This internal conflict becomes especially evident when, at the end of his speech, Kreon declares, “My heart is with my People,/And my eye is on the State” (131). This contradictory logic also emerges in his presenting himself once again as an interpreter, this time as a “brother interpreter”, but only for those who “follow the law of the land” (130). Thus, Piatote positions Kreon as a gatekeeper, whose “favors” depend on his strict criteria for how Indigenous people should behave. This gatekeeping role becomes especially clear when, in response to his son Haimon’s warnings against punishing Antikoni’s defiance with imprisonment, Kreon justifies his actions by stating, “I put my effort into what I may affect. Or rather: infect”, because “[u]nder federal law the only constant is change”, adding, “we must constantly change, shift our shapes, perform for them what they wish to see” (148). In staging Kreon’s philosophy of conformity to colonial power structures, where he continuously adapts to the shifting expectations of the state, navigating a legal landscape that perpetually redefines Indigenous rights, Piatote references the legal struggles highlighted by the decision in *Bonnichsen v. United States*, where Native peoples’ rights under NAGPRA were acknowledged but require ongoing legal battles to enforce and realize those rights.

Yet, Piatote’s use of humor subtly critiques Kreon’s stance. While she portrays Kreon’s claim to possess the ability to “shape-shift” as a means of survival within colonial frameworks, Piatote also shows that he lacks the true flexibility and subversive

potential associated with the trickster figure in Native American traditions. In contrast to Kreon's rigid compliance, the trickster – whom Anishinaabe scholar Gerald Vizenor describes as “a liberator and a healer, a comic sign, a communal signification and a discourse with imagination [...] a language game in a comic narrative” (“Trickster Discourse” 187) – embodies a form of resistance through fluidity, adaptability, and the power to challenge and disrupt the status quo. Piatote's portrayal of Kreon as claiming shape-shifting qualities but devoid of the trickster's liberating attributes exposes the limits of his adaptation to colonial authority, highlighting his inability to use his shifting nature for genuine resistance.

Notably, the trickster's ability to shape-shift reflects Native American identities that resist being confined by “manifest manners” and “terminal creeds”. This resistance manifests in what Vizenor calls “trickster liberation”, a form of survivance – “the uncertain humor [...] that denies the obscure maneuvers of manifest manners, tragic transvaluations, and the incoherence of cultural representations” (“The Ruins of Representation” 1). “Survivance”, as Vizenor defines it, represents a blend of resistance and survival, an active presence that “outwits dominance and victimry”, sharply contrasting with the passive endurance of mere survival (Vizenor and Lee, *Postindian* 93). Vizenor emphasizes motion as central to “native resistance and continued survival” (Stanlake 169). In this context, the trickster's quality of “transmotion” signifies not just movement, but “a way of doing, a stance” (*Fugitive Poses* 14 – 16), which Vizenor associates with Native American cultures before their “museumization” by settler colonialism. This “museumization” refers to the process in which the “causal narratives of museum consciousness” captured and confined Indigenous peoples as “Indians”, imprisoning them “by words and stereotypes” (*Manifest Manners* 129 – 130). Viewed in this light, Kreon's affirmation of the need to “change” does not embody the trickster critical action through his (both physical and visionary) shape-shifting ability, but rather represent a reactive response to what he calls “the United States of Surveillance” (148).

Piatote critiques the colonial legal mindset through her portrayal of Kreon's reliance on narratives of victimry, which are shaped by the colonial history of Indigenous peoples. Kreon's retelling of Ataoklas's story through the lens of dominant colonial discourse exemplifies what Vizenor describes as “tragic or hypotragic modes”—

narratives that focus on loss and victimhood, thereby suppressing the communal connections central to Indigenous cultures. Piatote contrasts this with the trickster's role in Native storytelling, which emphasizes resilience and collective strength. This critique is especially directed at the Western legal system, which, as Cheyfitz notes, operates on a "zero-sum mindset founded in the exclusionary idea of property" (67). Such a mindset fundamentally clashes with the communal values of Native oral traditions, which prioritize shared responsibilities and relationships. By portraying Kreon as someone who asserts complete control over "revisions" and "visions" of history, Piatote reveals his alignment with the individualistic and proprietary principles of Western law. This stance not only distances Kreon from Indigenous cultural principles but also highlights the broader issue of how colonial legal frameworks reduce rich, relational histories to rigid legal claims, undermining Indigenous efforts to reclaim sovereignty and cultural continuity.

In the first two scenes, the play introduces the central conflict as one between differing epistemologies and views on the dead and their remains, as expressed by Antikoni and Kreon's speeches respectively. The play presents this conflict, which is also a clash about different legal systems and the resulting obligations, as one that is played out largely through language and rhetoric. As Lisa King observes, it is through language and rhetoric that representations of Native peoples are shaped, and representation and image ultimately create the policies and legislation that impact them. I argue that *Antikoni* emphasizes the deep interconnection between the historical and legal representations of Native peoples that shape the discourse of federal Indian law, and the rhetorical context of how Native peoples are represented within museum structures. It challenges the historical representation of Native peoples in U.S. history by claiming that both federal legal discourse and museums serve as tools of settler control, using language, rhetoric, and representation to undermine Native sovereignty.

The play presents a counter-narrative that advances decolonization by asserting sovereignty as a self-defined and self-articulated Indigenous concept. This sovereignty is grounded in communal activism and cultural practices, rather than being constrained by federal legal frameworks. In doing so, *Antikoni* engages with the central issue at stake in the *Bonnichsen* case where scientific interests, rooted in individualistic Western legal frameworks, were pitted against Native American claimants' emphasis on

communal rights and responsibilities tied to their cultural, spiritual, and ancestral connections. The Court's rejection of the Indigenous claimants' oral traditions as evidence of cultural affiliation represents a reinterpretation of NAGPRA that undermines Indigenous sovereignty and cultural knowledge. By dismissing oral traditions, the court imposed Western legal standards that prioritize evidence-based approaches, devaluing Indigenous ways of establishing cultural affiliation when they don't align with these frameworks. *Antikoni* challenges the disempowerment *Bonnichsen* decision, undermined Indigenous epistemologies and knowledge, by depicting sovereignty as an affirmation of control language, rhetoric, and the representation that ultimately shape federal law erosion of Indigenous rights.

Antikoni's Rhetorical Agency and "Transmotion"

I have been arguing that the theme of self-determined control over representation, language, and rhetoric is central to the play. Piatote strategically cultivates and reinforces the concept of "rhetorical sovereignty", underscoring the vital importance of Indigenous communities exercising authority over their own narratives and modes of representation. This idea is first illustrated through Antikoni's act of reclaiming her ancestors' remains from the museum, highlighting her self-determined approach to asserting sovereignty.. In the third scene, when the Guard brings her before Kreon, he describes finding her "bearing the bones away / Just beyond the gate [...] with dry blood, now / Dust on her hands / And ancient words on her tongue"(141). Piatote portrays Antikoni's act of physically carrying her ancestors' bones "beyond the gate" as a powerful symbol of her determination to liberate them from the museum's control, challenging the institutional authority that seeks to dominate Indigenous cultural heritage and identity.

The depiction of the museum as a symbolic prison highlights the profound impact of ancestral captivity on both the living and the dead. This impact operates on both an epistemological and political level. In Indigenous worldviews, where a "relational reality" is central, ancestors actively participate in and influence the lives of the living. When proper burial practices are denied, the museum severs these critical connections, disrupting the relational networks that bind the living and the deceased. As I contend, this confinement of ancestral remains is not just about the dead but also about how the

living are entrapped in a cycle of mourning that, as Antikoni emphasizes, can “never come to an end, for it can never/Properly begin”. Furthermore, I argue that the museum, as a site of containment, represents the colonial state’s ongoing “strategies of containment”. By distorting Indigenous identities and histories in popular and legal discourse, the museum continues to perpetuate colonial control over Indigenous peoples and their cultural heritage.

As Lisa King observes, the looting and collection of Native American human remains and sacred objects has played a crucial role in shaping the European American narrative of “savagism versus civilization” (80). As repositories for these remains and items, museums contributed to these historical and legal narrative that are rooted in colonial history and continue to systematically shape federal Indian policy, which in turn limits Native sovereignty. This limitation is most apparent in the Native American Graves Protection and Repatriation Act (NAGPRA), which affirms Native human rights through the lens of federal recognition. In doing so, NAGPRA reinforces the scientific authority upon which recognition is based, privileging the perceived objectivity and neutrality of science over Native epistemologies. Antikoni challenges these constraints and asserts her agency by reclaiming the bodies of her ancestors – removing them from the institutional and rhetorical control over Indigenous identities and cultures that the museum perpetuates. She affirms her agency in her confrontation with Kreon. When the museum guard brings Antikoni before her uncle, Kreon addresses her in Nez Perce demanding that she speaks truthfully. Antikoni responds to him in Nez Perce with a phrase that Piatote translates and elaborates upon in the footnote: “‘She carried (something) out’, with the verb root meaning ‘out’ and the prefix meaning ‘carry’ emphasizing the action of going out” (141 n24).

Moreover, Piatote adds, “Antikoni here uses an older Nez Perce speech convention, employing the third–person form to convey intensity”(141 n24). By emphasizing the movement inherent in Antikoni’s actions – both literally, as she carries her ancestors’ remains, and figuratively, as she asserts agency through language – Piatote portrays Antikoni as embodying Vizenor’s concept of “transmotion”. This concept connects the idea of sovereignty with dynamic movement, underscoring the active nature of reclaiming cultural and linguistic agency. Transmotion then refers to the emphasizes the idea that for Native peoples’ sovereignty is not a fixed or static state but instead is

expressed through creativity, imagination, storytelling, and cultural practices that resists colonial constraints. John D. Miles argues that Vizenor's concept of sovereignty as transmotion offers a framework for understanding how Indigenous peoples' affirmation of sovereignty emerges "out of individual rhetorical acts [...] creat[ing] a presence that upsets and unravels discursive control over them" (41). Piatote thus shapes Antikoni's reclamation of her ancestors' remains and her honoring them through "ancient words" as a dynamic political act that challenges dominant power structures. It is an assertion of sovereignty that goes beyond physical action, embodying a rhetorical resistance to the colonial state's hegemonic control over Indigenous histories and identities.

Similarly, Piatote portrays Kreon's assertion of ownership over the remains as an attempt to control their narrative, highlighting his conflicted position within the colonial system. Kreon claims the authority to tell the story of the ancestors, asserting, "It is I who redeem those brothers, not you. I bring their story to life; I redeem what remains – what remains of being human" (145). However, as a "ward" of the state, his storytelling is constrained by the need to align with Euro-American expectations.

Yet, in contrasting Kreon and Antikoni's claims, Piatote reveals a deeper conflict at play in whole narrative. As Bonnie Honig notes in her analysis of Sophocles' *Antigone*, the issue is not simply whether the dead should be honored, but how that honoring is performed and what it reveals about broader "social structures, ontologies, and histories" (2). Drawing on Honig, I contend that Antikoni's "politics of lamentation" challenge the colonial framework by offering alternative perspectives on who belongs to society and to whom obligations are owed. Antikoni's actions highlight a different cultural logic, one that contests state control over Indigenous bodies and histories, emphasizing communal obligations and a relational worldview.

4.5.5. "Confounding Justice with Laws": Translation, Language and the Law

As I have been arguing, Piatote crafts a narrative where the tension between Kreon's and Antikoni's perspectives becomes a site of contestation over the meaning of sovereignty and belonging. This struggle is not just about who has the right to tell the story of the ancestors, but about the values that underpin those stories and the power dynamics that shape them. As Kreon attempts to translate and reinterpret Antikoni's words, Piatote stages a clash between two fundamentally different ways of

understanding kinship, memory, and responsibility—one rooted in colonial frameworks, the other in Indigenous epistemologies. This narrative conflict highlights the stakes of Antikoni's assertion of rhetorical sovereignty, as her challenge to Kreon's authority reveals the deeper question of who holds the power to define cultural and historical memory. This question emerges clearly when Kreon translates Antikoni's statement:

Kreon: She said she is guilty.

Antikoni: Uncle, I object to your translation. Guilt is not on my tongue or my heart. Truly I am most free of guilt. I said only that I carried out.

Kreon: You carried out a crime.

Antikoni: Again you translate me wrongly. You move me across, from the arms of my family to the chains of the State./You twist my tongue to unlock your laws (142).

In this scene, Piatote, who is also a Nez Perce language revitalization activist, masterfully explores the complexities of language and its power dynamics through Kreon's mistranslation of Antikoni's words. As Kreon translates Antikoni's Nez Perce statement into English, he alters her meaning, turning her expression of action – “[I] carried out” – into a confession of guilt. When Antikoni objects to Kreon's interpretation, he reframes her statement as “You carried out a crime” (142). As previously mentioned, Piatote clarifies in the footnote that the verb root in Nez Perce means ‘out’ and the prefix means ‘carry,’ emphasizing the action of moving out. By omitting an object from the original Nez Perce phrase, “I carried out”, Piatote underscores Antikoni's agency and leaves her statement intentionally ambiguous, and open to various interpretations. In contrast, by having Kreon impose “a crime” as the object of her action, Piatote highlights his deliberate attempt to recast Antikoni's words into a morally and legally charged accusation.

Antikoni resists this imposed meaning, asserting, “guilt is not on my tongue or my heart” (142), thereby rejecting not only Kreon's accusation but also the broader colonial legal framing that she refuses to recognize as legitimate. Piatote constructs Kreon's attempts to complete Antikoni's statement as efforts to confine something inherently fluid and resistant to the rigid structures of English into a fixed, definitive interpretation.

This act of translation becomes a means of exerting control, erasing the multiplicity of meanings that Antikoni's words might convey. When Antikoni accuses Kreon of "moving her from the arms of [her] family to the chains of the State", Piatote emphasizes the appropriation and reinterpretation of her words – and, by extension, her cultural and legal identity – by the colonial state. This process of translation effectively strips away the Indigenous context that gives her words their original power and authority, replacing it with a legal discourse designed to serve colonial interests.

Moreover, emphasizing translation as a process that appropriates and reinterprets Indigenous language, and identities, I argue that Piatote also critiques this long-standing strategy of using language and translation as tools of dispossession, illustrating how such practices continue to subordinate Indigenous voices within systems that prioritize Euro-American definitions of law, ownership, and sovereignty. This critique reflects Standing Rock Sioux lawyer and scholar Vine Deloria Jr.'s comparative analysis of Anglo-American legal traditions with Indigenous legal orders. Deloria observes that while Western legal systems prioritize establishing guilt and punishment, Indigenous approaches to justice focus on restitution and compensation: "[u]nder the traditional Indian system the major objective was more to ensure restitution and compensation than retribution" (111).

I contend that Piatote formulates Kreon's attempts to complete Antikoni's sentence as a way to reduce something inherently fluid and resistant to being neatly ordered in English into a rigid and definitive interpretation. Therefore, this act of translation is framed as an exertion of control, silencing any alternative responses or meanings Antikoni's words might hold. Antikoni's claim that Kreon "moves her from the arms of her family to the chains of the State" points out that Kreon's translation twists the original meaning of her affirmation, imposing the "chains" of the Western legal framework over Indigenous conceptions of justice. Antikoni argues that by abiding with the law of the colonizers, Kreon has "admitted himself into this prison", which she calls "a darkness of another name", highlighting how these legal frameworks work to establish and enforce social hierarchies of the settler state on Indigenous peoples. Interestingly, Kreon does not object to Antikoni's affirmation that he is in a "prison" created by colonial legal frameworks. Instead, he concedes that within this prison, the warden's position is superior to that of the inmate, reaffirming his belief that his

compliance with colonial state law does not mean subjugation but instead grants him power, which he believes justifies the laws he upholds.

Appropriating the metaphor Kreon employs, Antikoni turns it on its head by affirming that both the “inmate” and the “warden”, being “made of flesh”, are fundamentally equal. In rejecting the distinction, Antikoni asserts Kreon as a subject of colonial law, emphasizing that his presumed authority, being dependent on the state’s legal system, is constrained by the very laws he tries to enforce. Moreover, Antikoni opposes a hierarchical structure inherent in state-recognized laws that elevate one group over another based on power or legal authority. By operating within the boundaries of what is recognized and acceptable by state law, Kreon reinforces the politics of recognition, which, as Markwell critiques, can perpetuate systems of dominance and subjugation even while claiming to address them (1).

In the confrontation between Kreon and Antikoni, Piatote seems to suggest little difference between herself and Kreon, emphasizing that both are oppressed by the colonial system of power. In making this statement, she also undermines his perceived superiority within their community. While they share similar external pressures, their divergent strategies for navigating and resisting these forces shape the central tension between them. Kreon tries to adapt to the colonial legal framework, attempting to gain power from within the very structure that oppresses him. However, in doing so, he also shows through his language that he has internalized the hegemonic values and viewpoints of the colonial system, ultimately reinforcing the same power dynamics that keep him subjugated. In contrast to Kreon’s approach, Antikoni rejects the state’s authority and the colonial control over Indigenous ways of knowing, being, and doing. Yet, Piatote represents her actions not just as a “politics of refusal” in response to the settler state; rather, they affirm an alternative vision of sovereignty grounded in “producing and maintaining alternative structures of thought, politics, and traditions” that exist both independently of and in critical relationship to the state (A. Simpson, “The Ruse of Consent” 2). By portraying this dynamic, the play emphasizes that true decolonization transcends mere resistance; it requires the active reaffirmation and reclamation of Indigenous frameworks that prioritize community, relationships, and shared responsibilities.

The conflict between differing interpretations of law becomes even more apparent when Kreon declares that Antikoni's "deeds will not go unpunished". In response, Antikoni accuses Kreon of confusing "justice with laws". As Kreon feels his authority threatened, he turns to the coercive power of what Antikoni criticizes as "human laws" – laws that are not "humane" and that "defy Ancient laws". Antikoni highlights an alternative legal framework by explicitly referring to "tamá·lwit", Nez Perce traditional law:

"Surely you know as I do a greater Law, our tamá·lwit/That our Elder Brother set the Earth in motion/ And the earth lies with its head to the East,/Its feet to the West, and its arms to the North/And the South./When we die we likewise lie down in the same Way /The head to the East, the feet to the West /We must care for the body this way/This is the way to care for the body from the /Beginning of time /From time immemorial, for eternal time".

In Antikoni's speech, Piatote draws a clear distinction between "man-made" laws, which she sees as coercive and "not humane", and the greater, ancient Law (tamá·lwit), which is aligned with the natural, cosmic order. Thus, Antikoni's speech reframes the conflict with Kreon as one that centers differing views on the source and authority of the laws they uphold. Piatote stages how these differing perspectives on the law and its source of legitimacy shape both Kreon's and Antikoni's actions and decisions, demonstrating how law is a "cultural reality" where its authority is shaped by signs, symbols, and metaphors that influence our imagination and behavior (Sarat and Simon 13). Kreon views legal authority as derived from established power, represented by rules enforced by the sovereign state. In contrast, Antikoni grounds the legitimacy of her actions in a law that draws its authority from a sacred source. She affirms that this law has existed since "the Elder Brother, the creator, set the Earth in motion". As John Borrows explains, sacred law in Indigenous societies stems from creation stories and sacred principles, which guide and sustain Indigenous communities (*Canada's Indigenous Constitution* 33).

Antikoni's critique of "human laws" can be interpreted as rejecting Western, anthropocentric, and state-centered conceptions of law. As Margaret Davies affirms, in the dominant Western worldview, "law addresses, categorizes, interprets, and represents

life and the earth but is not seen as emerging from physical nature” (6). This separation of law from the natural world implies a sense of “human exceptionalism”, which divides human beings from the rest of nature (Davies 13). Western legal theorists focus on state law as being exclusively limited to human life, a view that obscures the fact that normativity extends beyond human existence. However, Davies argues that all forms of law are part of a broader system of norms, what Davies calls a “plural nomos”, which includes the interconnected relationships between humans, non–humans, and the cosmos (17).

Antikoni’s declaration that “human laws are not humane” highlights the disconnection between state law and the law that exists as part of the land and the continuum between living and non–living entities. The idea that law is separate from the Earth and life implies it is seen as mobile, able to be transferred from its European origins to different contexts, and thus grounding colonial oppression. The focus on human-centered state law reinforces a colonial approach that positions the state as the ultimate source of legal authority while excluding Indigenous knowledge systems – a process Irene Watson describes as “epistemicide” or “juricide”, meaning the deliberate destruction or suppression of Indigenous ways of knowing (quoted in Davies 17). Antikoni’s act of burying her ancestors gains significance as it validates and affirms the legitimacy of Indigenous legal traditions, which are deeply rooted in the relationship between Indigenous peoples and the land. When Kreon mocks her, dismissing her as “brittle” and “absurdly outmoded for the time”, Antikoni responds: “What you call politics, I call a *wai-swit* way of life” (144). Her statement highlights that, for her, law and politics involve processes, practices, and knowledges shaped by her connection to the land and the community. This is a key distinction: Antikoni affirms that her actions are not driven by transient political ambitions but by longstanding Indigenous traditions that center on relations with the land. As Glen Coulthard points out, colonial violence was articulated through the dispossession of Indigenous peoples from their lands, a process closely tied to white supremacy and heteropatriarchy, aimed at controlling and exploiting Indigenous territories (“Grounded Normativity” 251). Piatote crafts Antikoni as a political actor who actively advances decolonization by reestablishing this essential connection to the land through her affirmation of traditional law, burial practices, and the revival and adaptation of old and new legal traditions, Antikoni challenges the

colonial system of dominance. She embodies a form of resistance that confronts the colonial state's efforts to displace Indigenous peoples, emphasizing that Indigenous legal and political orders are vital to their continuity.

4.5.6. Trickster Humor and The Chorus of Aunties

Piatote establishes as one of the central themes of the play the tension between Indigenous cultural values, which embrace contradiction, and Western frameworks that seek to eliminate it, as a central theme. This conflict becomes evident in Kreon's struggle to reconcile his role as both an Indigenous person and a governor under the colonial state. By striving for an illusory sense of order and control, Kreon distances himself from Indigenous ways of knowing, which, as Vizenor notes, "embrace contradiction as a way of life" (qtd in Dohmen 176). Western legal and cultural frameworks, in contrast, attempt to purify and control, striving to eliminate any perceived chaos or disorder as if aiming for a state of grace. This desire for control is expressed through tragic narratives and social-scientific discourse that perpetuate the victimization of Indigenous peoples, framing them as passive subjects rather than active agents in their own stories.

In the play, this theme is highlighted through the interactions between Kreon and the Chorus of Aunties. Piatote skillfully employs humor through the interactions between Kreon and the Chorus of Aunties to challenge colonial narratives and expose the tensions in Kreon's position. By crafting these scenes, Piatote uses humor and mockery as rhetorical tools that highlight the contradictions in Kreon's stance, provoking him to reconsider his views. The Aunties, as characters shaped by Piatote's use of the trickster tradition, actively oppose what Vizenor describes as "manifest manners, tragic transvaluations, and the incoherence of cultural representations" (Vizenor, *Ruins of Representation* 1), which Kreon embodies. Through this humor, Piatote complements Antikoni's politics of counter-sovereignty by having the Aunties assert rhetorical control over representation, effectively resisting Kreon's colonial narratives. This use of humor serves a dual purpose: it enables resistance from a marginalized position while also destabilizing Kreon's tragic narratives centered on themes of love, betrayal, and loss. In this way, Piatote not only critiques Kreon's stance but also opens space for alternative perspectives, challenging the rigidity of colonial interpretations.

Piatote embeds the Aunties' lines with humor to challenge and undermine Kreon's authority, revealing the contradictions in his alignment with colonial power. After Kreon's speech, Auntie #3 pointedly remarks: "The one who calls himself Nephew / Speaks as Lawyer's child, as one / Who would sign a fraudulent treaty for All" and the entire Chorus then chimes in: "The laws you call upon / Will govern the living as the dead" (131). Piatote uses the Aunties' mockery to critique Kreon's use of colonial labels and naming practices to define Indigenous peoples. In his speech, Kreon addresses the Aunties as "guardians" of "domestic dependent nations", dismissing their role as respected elders. By having Kreon employ naming practices similar to those historically used by colonial powers to assert dominance, Piatote illustrates how these strategies erase Indigenous identities by replacing traditional names with colonial ones, like Sitting Bull or Chief Joseph. This rhetorical strategy imposes new relationships and histories, perpetuating a colonial patriarchal order.

Piatote further exposes Kreon's contradictions through the Aunties' satirical commentary. Auntie #3 humorously notes that Kreon is "calling himself" a nephew, highlighting the inconsistency between his professed kinship ties and his actions. This contrasts sharply with Indigenous perspectives on kinship, where relationships are defined by actions that sustain community bonds rather than merely by words. Auntie #3's jibe about Kreon "speaking like a Lawyer's child" critiques his reliance on colonial legalism to assert his authority. Her reference to a "fraudulent treaty" evokes the language of treaties that Antikoni herself employs, emphasizing how colonial negotiations often distort and misrepresent Native voices. Through this layered use of humor, Piatote not only destabilizes Kreon's position but also highlights the healing potential of humor, using it as a means to expose and critique the colonial distortions that undermine Indigenous agency.

4.6. [Storytelling as Survivance](#)

Piatote's use of humor through the Aunties' responses not only critiques Kreon's contradictions but also serves as a strategic entry point into a broader challenge to colonial narratives. This shift from satirical commentary to a focus on storytelling highlights how the play navigates and subverts colonial frameworks, moving beyond mere critique to actively reclaim Indigenous modes of knowledge. The emphasis on humor transitions seamlessly into a deeper exploration of storytelling as a means of

resistance, as Piatote underscores the importance of oral traditions in countering the Eurocentric biases that have long marginalized Indigenous voices. Specifically, the Court's dismissal of oral tradition as evidence in the *Bonnichsen* decision foregrounded fundamental bias that prioritizes written records over oral narratives. This bias, described by Peter Whiteley as the "Western cult of the written word", stems from the belief that oral traditions are unstable, unreliable, and prone to alteration over time (412-13). As a result, scholars and courts have often dismissed Native American oral traditions while readily accepting colonial records from missionaries or government officials, despite those records being subject to their own biases and limitations.

Piatote's play challenges the court's portrayal of Indigenous oral traditions as lacking "authenticity, reliability, and accuracy" in establishing cultural affiliation by reaffirming the centrality of storytelling traditions as sources of knowledge that empower Indigenous communities. Drawing attention to stories that communicate and shape Indigenous communities' history and worldviews, *Antikoni* interrupts the colonial logic that affirms the superiority of empirical science over Indigenous ways of knowing by marginalizing and dismissing them as an unclear mix of historical facts and mythic tales. This unwillingness to engage with Indigenous stories as opportunities to learn leads to "disconnection and misunderstanding, perpetuating the colonial suppression of Indigenous ways of knowing" (L. Borrows x). By replacing the Greek chorus with traditional Nez Perce stories, Piatote emphasizes their centrality in transmitting Indigenous values that are central to Indigenous kinship relations with family, communities, and land. Thus, the play offers a powerful form of performative counter-storytelling, shaping both Indigenous and non-Indigenous audiences' understanding of the repatriation debates in the U.S.

Piatote's play confirms the vitality of storytelling as a source of traditional knowledge in order to "subvert official orthodoxies and [...] challenge conventional ways of thinking" (Cruikshank *The Social Life* 3). As Julie Cruikshank affirms, the major challenge that social sciences like anthropology face in the present is represented by the "relevance of their concept and categories to varieties of cultural experience" (*The Social Life* 3). Since the selection of categories is never neutral, Cruikshank highlights the importance of awareness about the "underlying systems of classification and periodization" that may otherwise be presented as "self-evidence", especially

regarding categories designating ownership or membership (3). Cruikshank argues that in many parts of the world, one key area where narratives about history and culture intersect is in discussions about the nature of belonging. Ideas about belonging offer insights into how “local meaning is asserted in response to external classification systems” (3). The Aunties’ stories, which often feature trickster characters, can be understood as orally transmitted narratives with the power to “construct meaningful bridges” in “disruptive situations”, and specifically, they address the fragmentation caused by the colonial imposition of categories of belonging (Cruikshank 3).

As I have shown, Piatote employs the Aunties’ trickster humor to critique and undermine repatriation practices in museums, emphasizing that Kreon’s idea of control reflects repatriation as “a legal concept deeply tied to colonial ideologies rooted in Euro-Western ideas of nationhood, personhood, property, and ownership” that enforces “possessive logic” which uphold “patriarchal white sovereignty” (Gray 14) and that is incompatible with Indigenous communal values based on relationality. In doing so, the Aunties support Antikoni’s claim to rebury her ancestors as an Indigenous feminist praxis of resurgence and refusal, rooted in communal values, that resists and counteracts the colonial and patriarchal logic of repatriation and affirms the centrality of Indigenous women’s role in decolonization struggles. Similarly, the Aunties’ storytelling reasserts Indigenous women as vital carriers of traditional knowledge, constructing “meaningful bridges” that challenge the colonial erosion of tribal sovereignty, while centering Indigenous values related to belonging, history, and culture. By doing so, the Aunties’ narratives also represent a form of healing, deeply rooted in the principle of kinship as the driving force of social life, a key feature of trickster stories (Cheyfiz 67). As Eric Cheyfiz affirms, these narratives, which predate European colonization of the Americas, inherently resist Western binary frameworks. By prioritizing kinship as the fundamental organizing principle of social life, trickster logic opposes the values underpinning capitalism – namely individualism, commodification, and competitive acquisition (67). The Aunties’ storytelling thus affirms oral tradition as a “transmission of belief systems” and highlights its performative aspect as a “specific activity that confirms and conveys that belief” (Ortiz 7). The healing power of these stories becomes evident in how they serve to “build connections” where colonialism introduced “fragmentation of meaning” into tribal cultures (Cruikshank 3).

Shari Huhndorf notes that Native American theatre, from its inception, has provided “a space where traditions could be enacted rather than merely described, and the relationship between performers and audiences replicated, in some measure, the circumstances surrounding traditional storytelling and enabled its goal of collective transformation” (“American Indian Drama” 293). As Drew Hayden Taylor argues, theatre is “a logical extension of storytelling” (140). In *Antíkoni*, storytelling is not only invoked through the performative nature of the play but is also enacted directly through the Aunties’ storytelling. This approach allows both actors and audiences to engage in traditional stories told by Indigenous actresses portraying the Aunties, creating a live experience that bridges past and present. These stories interrupt the linear narrative, maintaining an organic connection to the drama as a whole.

Piatote draws from the essential role of the choral songs in Greek tragedy, where the chorus serves to relieve tension, comment on the unfolding events, and reflect on the ideas embedded within the action. As Robert Coleman observes, choral songs in Greek tragedy “form a bridge between successive acts, with their contextual relevance pointing back to preceding events while also anticipating what is to come” (4). Similarly, the Aunties’ stories in *Antíkoni* serve both to connect the scenes and to interrupt the narrative flow, prompting the audience to reflect on the ethical and political issues at play. By disrupting the action, these stories encourage deeper consideration of underlying power dynamics and the themes of justice and resistance. Julie Cruikshank notes that oral traditions, especially those featuring trickster figures, function as “meaningful bridges” in “disruptive situations”.

In *Antíkoni*, the staging of the Aunties’ stories serves as an intellectual framework for exploring key issues related to repatriation and Indigenous sovereignty. Legal scholars Val Napoleon and Hadley Friedland affirm that, in Indigenous societies, stories are seen as “intellectual resources for reasoning” (“An Inside Job” 736). Piatote’s use of Nez Perce stories goes beyond performance; it invites the audience into a serious public intellectual and interactive dialogue that demands not just skilled storytelling but also active listening. Leslie Marmon Silko famously noted that stories are far more than entertainment; they are a means of transmitting knowledge, embedding frameworks for behavior, and embodying unwritten codes of conduct. Passed down through

generations, these stories are preserved for “future recall” and have a distinct “logic, purpose, structure, and methodology” (“Friedland and Napoleon, “An Inside Job” 744).

Friedland and Napoleon emphasize that Indigenous stories educate people about moral and legal concepts, playing a central role in Indigenous legal reasoning. This perspective aligns with legal scholar James Boyd White’s observation that “law [...] is not at heart an abstract system or scheme of rules [...] rather, it is an inherently unstable structure of thought and expression, built upon a distinct set of dynamic and dialogic tensions. It is not a set of rules at all, but a form of life (382). White argues that law is imaginative and intellectual, a way of imagining a shared history that reflects a community’s values. In this sense, learning law involves navigating the culture and language of that legal order, entering “another world” where law becomes a way of envisioning social life. While Friedland, Napoleon and White underscore the role of stories in shaping legal reasoning and communal values, Anishinnabe legal scholar Lindsay Borrows highlights the participatory nature of this process, asserting that Indigenous stories invite us into “different worlds”, enabling the listener to act as an agent alongside the storyteller in interpreting the narrative.

In *Antikoni*, Piatote strategically incorporates storytelling between scenes, inviting the audience into a participatory experience that actively resists colonial erasure and reclaims Indigenous narratives as vital sources of knowledge. This approach is particularly significant given the broader context of how Indigenous oral traditions have been treated in legal settings, such as the Bonnicksen case. The case serves as a stark example of how U.S. courts often dismiss Indigenous oral traditions as “mythic tales”, refusing to recognize their validity as evidence. This dismissal reflects a broader pattern of marginalizing Indigenous perspectives in favor of colonial frameworks. As Lindsay Borrows highlights, failing to acknowledge these narratives contributes to ongoing disparities in areas like health, environmental security, economic stability, and political participation—issues that are deeply rooted in colonial history. By centering storytelling as a method of conveying Indigenous knowledge, Piatote’s play not only critiques such legal exclusions but also emphasizes the enduring relevance of Indigenous laws and philosophies for addressing contemporary challenges. In this way, *Antikoni* becomes a space where Indigenous voices can challenge the dominance of colonial interpretations and assert their rightful place in legal and cultural discourses.

By placing the Aunties' stories in dialogue with the present-day events of the play, Piatote underscores the ongoing relevance of oral tradition as a vital source of knowledge for addressing contemporary social, legal, and political challenges faced by Indigenous peoples. My analysis responds to Borrows' call for a deeper understanding of how stories embody law. My approach draws from the narrative method I learned during my research at the University of Victoria's Faculty of Law, where I adapted the case-briefing method used in Western law schools to analyze and extract legal principles from publicly available Indigenous stories. I have integrated these stories into my interpretation of *Antikoni* to show how they reflect on the ethical and political issues at stake, utilizing their capacity to "address feelings and demonstrate themes, going beyond academic arguments and theoretical exposition". As Borrows notes, engaging with Indigenous stories makes the listener or reader an active participant in the interpretation process: "You become a character of sorts, engaged in interpretation. [...] You are an agent with the storyteller as you create your own understanding of his story". My goal in engaging with these traditional stories is not to arrive at a definitive interpretation but to start a conversation by looking at the ways they enact decolonization by actively staging lawfulness and challenging colonial structures.

Val Napoleon highlights that engaging with Indigenous stories as law depends on the types of questions we ask ("Did I Break it?" 12n23). In *Antikoni*, the central conflict arises from the characters' differing views on the source and legitimacy of legal authority. By examining the two stories told by the Aunties as case studies, the analysis explores how the characters within these stories wield power, derive their authority, and face the consequences of their actions. This approach deepens the understanding of how the stories relate to broader themes of power, control and interpretations of law in the play. The first story is a creation story featuring the character of Coyote. It is the first story the audience hears from the Chorus of Aunties, immediately after the opening scene with *Antikoni* and Ismene. This story is particularly significant for two main reasons. First, as Anishinabek legal scholar John Borrows affirms, Indigenous creation stories are often a source of sacred law (*Canada's Indigenous Constitution* 33). Creation stories provide expansive guidance on living harmoniously with the world and resolving conflicts, offering instructions on how all beings – human and non-human – should

relate to specific territories, often applying across regions and, in some cases, possessing universal relevance (Borrows, *Canada's Indigenous Constitution* 33).

The placement of the creation story as the initial narrative shared by the Aunties establishes a foundational authority that permeates the entire collection of stories, underscoring their rootedness in a sacred epistemological framework central to Indigenous traditions. By opening with a creation story, the Aunties do more than convey a cultural narrative; they are actively invoking foundational laws and guiding principles imbued with profound respect and legitimacy. This approach positions the creation story as both a source of epistemic authority and as a mechanism for affirming the intrinsic legal and ethical codes that inform Indigenous worldviews. Secondly, the story's final lines are repeated at the end of the play, creating a cyclical structure that emphasizes the continuity of the laws and teachings embedded in the creation story. This repetition shows that the principles conveyed are not confined to the past but continue to influence the present and future. Moreover, as a source of sacred law, the creation story functions can be approached as a "law story", comparable to legal precedents in Western traditions. As Val Napoleon explains, stories in Indigenous traditions, like Western legal cases, are narratives about past events that are recalled to guide future legal decisions ("What is Indigenous Law?" 3). Thus, the creation story serves as a foundational precedent within Indigenous legal systems, offering principles that remain active and relevant across generations.

The story's plot revolves around Coyote's use of deceit to subvert the established power order. It begins with Coyote marrying the Five Gopher Sisters and asks them to build a tunnel to the Sun. Using deceit, Coyote gains Sun's trust and after convincing him to drink from a spring, Coyote knocks him out with Sun's own war club. Coyote then kills Sun, impersonates him by wearing his clothes, and carries Sun back to his father, who consumes Sun's raw. After several failed attempts to leave the father's house, Coyote succeeds by cutting off the Old Man's head, killing him. The story concludes with Coyote assigns Sun to the daytime and the Old Man to the nighttime, establishing the natural order of day and night. Through his action, Coyote ultimately restores cosmic balance, ensuring that Sun will no longer kill and the Old Man will no longer consume raw flesh. The ultimate outcome is the creation of a balanced world for

human to inhabit. In fact, the story ends with Coyote affirming: “the humans are coming soon, they are already coming this way” (129).

Through trickery and deceit, Coyote manages to defy and overthrow the established power structure represented by the Sun and Old man. As John Borrows argues, tricksters challenge established orders. They can turn them upside-down to confirm, change or transform generally accepted norms of within society” (“Heroes” 24). In this sense, Coyote indicates suggest s that power can be exercised in ways which undermine relationships and threaten stability, safety, health and security and that obedience to older, recognized authorities should not be blindly given (id. 30). Coyote not only disrupts the existing order but also creates a new structure, separating Sun and Old Man by placing Sun in charge of the daytime and the Old Man in charge of the nighttime. This division restores balance, ensuring that neither continues their destructive behaviors – Sun no longer kills, and the Old Man no longer eats anything raw. By introducing this newly ordered cosmos, Coyote establishes laws and norms that prepare the world, making it habitable for human beings. This indicates also that the new cosmological order that Coyote establishes, preceding the arrival of humans, is imbued with its own laws, which in turn shape human actions and behaviors. In other word, it in this view, the world comprises more than human entities including, animals, the dead, plants, meteorological phenomena, and often objects or artifacts as well” (de Castro 2017, p. 56). As Vanessa Watts affirms, “Indigenous habitats and ecosystems are better understood as societies. Not only are they active, they also directly influence how humans organize themselves into that society” (23).

The story emphasizes the need to recognize that human beings are not superior to, but deeply interconnected with, the natural world and presents an alternative order of things, outside the domain of dominant discourses. Antikoni’s resistance to colonial law reflects the necessity of disruption to restore cultural and ancestral balance. This act of resistance embodies what Vizenor calls “trickster liberation”, which disrupts dominant values and proposes an alternative order. Antikoni’s determination to reclaim her ancestors’ remains from the museum is not just an act of defiance; it affirms Indigenous legal obligations to the dead, rooted in a deep connection to the land. For her, the denial of proper burial and ritual inflicts harm on the kinship network that links the living, the more-than-human world, and the desecrated ancestors. Through her actions, Antikoni

seeks to restore balance, reflecting Indigenous legal principles that emphasize harmony with the natural order of the cosmos.

Piatote presents Antikoni's dedication to fulfilling Indigenous legal obligations through the reclamation of her ancestors' remains as a potent counter to the colonial narratives that Kreon seeks to maintain. This resistance, which centers on challenging Kreon's politics of representation and "translation", is not limited to Antikoni alone. Piatote extends this resistance to other characters, including Ismene, Antikoni's fiancé Haimon and, as I have shown, the Chorus of Aunties. Additionally, Piatote stages the medicine man Tairaisas, who allows her to introduce the theme of cannibalism as a critique of colonial practices that exploit and consume Indigenous knowledge, highlighting the self-destructive nature of those who sustain such exploitative systems.

4.7. Colonialism and Cannibal Museology

Throughout the play, Kreon's politics of representation and "translation" are resisted not only by Antikoni but also by all the other characters, including Ismene, who, despite her initial refusal, ultimately helps Antikoni carry out her plan. Haimon, Kreon's son, warns him that Antikoni, whom he calls "the One Who Carried Out", is "most venerated and honored" by the community as "brave and upright", and that punishing her will cause dissent among the people who, are "not so helpless" as Kreon may think (149). By renaming Antikoni, the community asserts and supports her agency against settler-colonial and patriarchal ideologies that have led to the social and political marginalization of Indigenous women. In contrast, Kreon reveals that he has internalized this patriarchal logic when he dismisses Haimon's concerns as youthful and romantic, affirming: "Would you have a woman setting the rules? / If you don't respect / me, Son, at least you should / respect the office" (150). Haimon responds by highlighting Kreon's alignment with the White man's system of power and reminding him that his true identity is rooted in tribal, communal values: "You remain an Indian / and an Indian is nothing without his Tribe" (150).

Once again, in the confrontation between Kreon and Haimon, two contrasting perspectives on justice emerge. While Kreon dismisses his son's arguments as idealistic and romantic, Haimon points out that Kreon's actions will have political consequences that impact their community: "ʔikú·yn, Tó·ta, I speak the language of justice / not

sentiment. / If you destroy her, others will fall, too". Despite this, Kreon continues to assert his authority, claiming that he alone "[has] the power to protect [the dead]" (150). Haimon's opposition, like Antikoni's, is expressed through language and the refusal of translation. Kreon affirms his own authority with the phrase "I am on my heart", attempting to translate into English a Nez Perce expression that Haimon clarifies using the original language: "ʔi-nim a'á tiine" (150). As Piatote explains in the footnotes, the expression literally means "I am exactly on my heart", which figuratively translates to "I am on target"(150 n29). While Kreon translates the expression in English to assert his unwavering personal authority, Haimon reinterprets "being on one's heart" as a collective, relational force, reflecting his alignment with the tribe. As he previously affirmed: "my heart as yours is with our People/And from their hearts they defend [Antikoni's] hand" (149). Thus, Haimon's opposes Kreon's authority through an assertion of agency, affirming his actions are on the target, as they follow communal conception of justice. Yet, Kreon refuses to listen, but leaves his son's free to pursue his objective "Let him try to free her" (150).

It is in Kreon's confrontation with Tiresias, that Piatote stages most powerfully the destructive forces inherent in Kreon's internalization of settler-colonial logic.. Tiresias critiques Kreon by emphasizing the consequences of his actions, reiterating the image of the museum as a prison. echoing Anitkoni's words, Tiresias warns "Tiresias warns Kreon, "Grandson, when you hold captive the Dead, you enslave the living" (154), highlighting how Kreon's actions disrupt the network of relationships that bind the living and the dead. By denying these bonds, Tiresias argues, Kreon damages not only the spiritual integrity of his ancestors but also his own connection to the community: "What kind of human makes captive his kin?" (156). Tiresias' critique appeals to the same "ancient laws" that Antikoni referred to, emphasizing that Indigenous views of humanity encompass a relationality and kinship network with the more-than-human world –something Kreon dangerously ignores. Tiresias reminds Kreon of these sacred principles, saying, "In the time before the humans came, Coyote set many laws in motion. He separated the Sun and Moon, so they would not be cannibals... He did many, many things to make this world ready for humans. *The humans are coming soon.* Grandson, look around. And you will see" (156). Tiresias explicitly references the

Coyote and Sun creation story previously told by the Aunties, underscoring its role as a vital interpretive key to the play.

Furthermore, Tiresias highlights another significant aspect of the Coyote story. In the tale, Coyote overthrows the Sun and Old Man's power by separating them "so they would not be cannibals". In his speech, Tiresias frames the theme of cannibalism as central to the play as a whole, illustrating the insatiable nature of the museum, which here stand as a microcosmos of settler colonial logic of conquest and genocide. The use of cannibalistic imagery to critique the Western colonial logic embedded in the dehumanizing and classificatory practices of ethnographic museums reinforces the theme at a representational level. It emphasizes the ongoing destruction of "othered" cultures and highlights the self-destructive potential of these practices for those who uncritically embrace this system.

Significantly, Kreon's confrontation with Tairasias occurs immediately after the Aunties recount the story of a man who, while hunting, accidentally tastes his own blood and develops an uncontrollable craving. This leads him to first consume parts of his own body, and later, in a further escalation of cannibalistic greed, devour his brothers. Only his wife and child manage to escape, using a clever trick to outwit his insatiable hunger. In his speech, Tiresias calls the museum "a Cannibal: consuming the living, piling up the dead", portraying it as a place that voraciously devours not only dead bodies but also the identities of Indigenous peoples. This metaphor mirrors a broader scholarly critique of ethnographic museums, often described as engaging in cultural "cannibalism" by appropriating human remains and sacred objects while erasing the voices of their creators.

As Gonseth, Hainard, and Kaerh argue in *Le Musée Cannibale*, "museums [...] provide a space for the ingestion of the 'other,' a simulacrum of openness... suggesting this 'other' is now finally assimilable" (quoted in Grechi 67). The metaphor of the museum as a cannibal also aligns with Clementine Deliss's concept of the "metabolic museum". Deliss refers to the museum as a rhetorical structure and a "degenerative body", metaphor which helps to imagine the interaction between the incoming items and the institution through the prism of physiological processes ("Online lecture with Clémentine Deliss, *YouTube*). The museum acts like a living organism established to

enact some of the practices of conquest, and swallows the object that is brought into its premises. Then, it is “digested” by being literally assimilated, that is, stripped of its ties, connections and histories. The final process of “excretion” results in those “naked’, ‘solitary’ objects that refer to the reality constructed by western anthropologist and has little to do with the originals.

Notably, Tiresias significantly shapes his argument by explicitly referring to the Ancient One, who was ultimately returned to the tribes “through the mouths of our kin” (155). Thus, Tiresias enacts an explicit critique of the *Bonnichsen* decision, emphasizing that it was not the evidence presented by the claimants that “redeemed” the Ancient One, but rather that “a swab would redeem him” (155). He condemns this practice as the State demanding “blood for bone” (155). He underscores the emotional toll of this process, stating, “The State demands DNA. Openmouthed and brokenhearted, they offered their bodies up to finally bring the Ancient One home. That is blood for bone” (155). By referencing the State and museum’s demand for DNA, Tiresias’ speech connects the categorization and hierarchy rooted in racial science that justify the existence of institutions like museums. In doing so, he situates the institution of the museum as part of the bigger continuum of conquest and its embodiment by the Western powers. Tiresias critiques the museum as a site of Western knowledge production, reducing individuals, animals, and species to mere objects of understanding through a lens of white supremacy. The “blood for bone” practice demanded by the State and museums underscores what Kim TallBear refers to as “the phenomenon of Native American DNA”, a concept deeply intertwined with U.S. race categories shaped by Euro–American colonial practices, including race laws, policies, and programs from the 18th through the 20th centuries (*Native American DNA*). These processes led to the concept of blood quantum, where degrees of blood became equated with degrees of cultural identity. This bio–logic of blood quantum (Cheyfiz 16) fundamentally altered Indigenous cultural identities, which were traditionally rooted in kinship relations. While ethnographic museums “rely on the modern notion of a clear division between human and non–human”, separating bodies and sacred objects from their original contexts and the alternative ways of life they represent, Tiresias, by referencing the creation story, reaffirms the “ancient laws” grounded in kinship relations that govern obligations to both the living and the dead.

The museum is critiqued as a prison because it confines Indigenous ways of knowing, subjecting them to Western frameworks of knowledge. This critique is rooted in an understanding of conquest as a broader framework of dehumanization of non-White peoples, which led to the creation of institutions that perpetuate this knowledge production. Tiresias reframes the Kennewick Man as the “Ancient One”, shifting the focus from a colonial logic of possession to a relational perspective, seeing the remains as “ancestors” and emphasizing their human and relational aspects rather than simply viewing them as “skulls” or remains, and moreover, dubbing them according to the Western name of the location they are found.

This critique extends to Kreon’s ambitions as the museum director, which are portrayed as self-destructive. Tiresias warns Kreon, “perhaps you cannot help yourself. Perhaps you have tasted your own blood, and found it pleasing. I’m warning you! Do not feed on yourself” (154). This warning links Kreon’s role in the museum directly to the theme of cannibalism, suggesting that he is not only consuming the cultural heritage of Indigenous peoples but also dangerously internalizing this consumption. Kreon risks becoming complicit in the erasure of identity through the museum’s practice of “consuming” the Other, ultimately feeding on his own self-destruction. Piatote here refers to the image of the cannibal or, to be more precise, the cannibal giant, or Wendigo which is a recurring character in Anishinaabe and Cree stories (Friedland, *The Wetiko*, 13). It is an evil spirit that possesses individuals, turning them monstrous (511). In traditional stories, Wendigos are characters who harm themselves or others through violently consumptive behaviors, and to “go wendigo” meant engaging in cannibalistic self-destruction and the destruction of others (Borrows, “Heroes” 16). Today, “wetiko” is used in Cree and Anishinaabe communities to describe someone who commits monstrous acts toward those around them.

Hadley Friedland researched Wendigo stories and interviewed Cree elders to explore Indigenous laws for addressing interpersonal violence in Indigenous communities.. Friedland sees wetikos as individuals who have become, or are in the process of becoming, harmful or destructive to themselves and others in socially taboo ways. According to Friedland, the term “wetiko” applies to a range of antisocial behaviors, including self-harm, threats, sexual violence, murder, and exploiting others for personal gain. In some cases, this harmful behavior is attributed to malignant social forces, such

as colonialism, which warps an individual's personality. In his book *Columbus and Other Cannibals*, Jack D. Forbes offers the concept of *Wetiko* as a lens through which to view the colonial mindset that drives exploitation and domination in modern societies. The colonialists' pursuit of conquest and material accumulation was, in essence, a violent act of consumption—a cannibalistic practice transforming the lives and resources of millions into wealth and power. However, as Nancy Fraser notes in her book *Cannibal Capitalism*, colonialism is also intertwined with capitalism, functioning as a fundamental, ongoing mechanism of capitalist expansion. Fraser emphasizes that capitalism relies not only on exploitation but also on expropriation, the forcible seizure of land and resources from colonized populations. Greg Coulthard reinforces this point by affirming that the strategic targeting of Indigenous peoples' relationship to land served as a mechanism to submit Indigenous lands and labor to the demands of capitalist accumulation and state formation (“Grounded Normativity” 254).

Alnoor Ladha and Martin Kirk, building on Forbes' ideas, further argue that *Wetiko* is not only a metaphor for the colonial mindset but also a way to describe a condition where individuals—and even entire cultures – elevate self-serving egos above all else, losing the ability to recognize themselves as part of an interconnected and interdependent environment. This false separation of the self from others and the more-than-human world turns the act into cannibalism, rather than just murder. Piatote echoes this idea in Tairaisias's warning to Kreon. Tairaisias notes that Kreon's ambition has made him “blind, more blind than I” (154). This metaphorical blindness prevents Kreon from seeing the consequences of his actions, alienating him from the community he is meant to represent. This detachment from community and culture represents a profound failure in leadership, as Kreon's personal ambitions drive him to enact policies that harm both the living and the spiritual connection to the ancestors. As Antikoni also observes, he has “learned to make a living out of the dead” (145), highlighting how Kreon has internalized Western capitalist logic—accumulating wealth even at the expense of his own community. In trying to survive under colonial state rule, Kreon has adapted to it, but as Tiresias points out, he has also internalized its logic. As Forbes warns: “One of the tragic characteristics of the *wetiko* psychosis is that it spreads partly by resistance to it. Those who try to fight *wetiko* sometimes, in order to survive, adopt *wetiko* values. Thus, when they win, they lose”(61). Piatote stages Kreon's *wetiko*

tendencies as a reflection of the broader superstructure of colonial and capitalist logic, which is rooted in conquest, expropriation, and cannibalization.

As Friedland noted from interviews with Elders in Cree communities, self-awareness is essential in combating these tendencies. Community members are expected to recognize and self-identify when they exhibit destructive behaviors, such as seeking isolation or experiencing visions of cannibalism. Piatote shows how, without this self-awareness, Kreon remains blind to the harm he inflicts, unable to change or redeem himself. In the Aunties' story within the play, the cannibal becomes an outcast, isolated by his consumption of himself and others. Thus, Tiresias' reference to self-destructive cannibalism serves as a stark warning to Kreon: his blind ambition and destructive policies will ultimately isolate him from the community he seeks to control, leaving him trapped in the consequences of his own destructive actions.

4.8. Liminal Spaces and Tribal Bone's Sovereignty

Throughout this chapter, I have argued that Piatote critiques colonial frameworks and reclaims Indigenous perspectives on law and sovereignty, offering a powerful critique of cultural appropriation and a reassertion of Indigenous agency. She achieves this through the staging of specific themes, such as cannibalism as a metaphor for exploitative museum practices, the use of rhetorical strategies like humor, and significant alterations to the original Greek narrative. These changes position her adaptation as a direct response to contemporary debates over NAGPRA and the repatriation of Indigenous remains and sacred objects. One particularly illustrative example is her revision of the ending of Sophocles' play, how she recontextualizes the story in an Indigenous context.

In contrast to Sophocles' Antigone, Antíkoni does not take her own life. Instead, she remains alive, occupying a liminal space shared with the unburied dead. This liminal state is represented through a screen that multiplies Antíkoni's image, creating a virtual space that embodies both presence and absence. This visual device underscores the blurred boundaries between life and death, reinforcing the central theme of unresolved grief and state of suspension. At first, it appears that Antíkoni is following the classical trajectory of joining the dead in their world. However, it soon becomes evident that the unburied dead are not entirely deceased but, like her, exist within this

liminal space. As she states: “And here... I shall remain, along with the dead / My life as theirs suspended, just as that of my kin / Who find no comfort in grief, whose grief can never begin / And thus will never end” (159). Thus, Antikoni does not choose death, but stand stands in the “Betwixt and Between” (Turner 93), the transitional state that Victor Turner calls “liminality”.⁹ This state represents also a space of potentiality where individuals can break free from established structures and hegemonies, negotiating their own narratives and meanings. By situating Antikoni in this liminal realm, which she describes as “nowhere and everywhere at once” (160), Piatote challenges the museums’ denial of mourning and rejects the binary distinction between the living and the dead. In doing so, she critiques a liberalist perspective that confines existence to the living, echoing what Tim Mulgan describes as the “dead-are-gone assumption” – the notion that those who have passed away have no morally relevant stake in the contemporary polity (3).

Mulgan argues that although characterized by egalitarianism and impartiality, liberalism dwells in societal view that is limited to the living, thus refusing to include a group whose moral status is controversial problematizes liberalism’s claim to equality (8). In this interstitial space, Antikoni complicates the past/present, inclusion/exclusion dichotomies Bhabha discusses. She transcends the categorization of the dead as “no longer living”, challenging the Western colonial logic that constructed a rigid human/non-human divide. Antikoni affirms: “[i]n this world in-between, my voice and vis-/age live on/To those not-yet-human what human laws/may do/to interrupt time, to stop the Earth/from turning and turning around itself/how such laws disturb/The Order of the world”. In referring to her ancestors as not-yet-human, Antikoni acknowledges that this liminal space is also a place of possibility and becoming, where unburied ancestors have *not yet* fully entered the cosmic order and thus also a moment when “the future has not yet taken definite shape” (Turner 1992, 133). The word “yet” holds particular significance as it implies a state of potentiality or becoming; it suggests the possibility that the ancestors, though currently outside recognized frameworks, might

⁹ Victor Turner’s concept of “liminality” refers to a transitional state where an individual occupies the space between two worlds, allowing them to “slip through the network of classifications that normally locate states and positions in cultural space” (Turner, 95). Turner sees this space as a “realm of pure possibilities,” where new ideas and relationships can emerge (97). Homi Bhabha expands on this by theorizing the “third space” of cultural enunciation, a site that challenges colonial domination by dismantling rigid binaries like self/other and colonizer/colonized, offering a space of transformation and subversion.

eventually attain human status or recognition. While this liminal space may appear to be one of restlessness, it is also “an expanded and ex-centric site of experience and empowerment”, as revealed in the possibilities for dissonance and dissidence (Bhabha qtd in Kalua 24). My argument is that Antíkoni here is not merely offering an ethical critique of the treatment of the dead but, most importantly, she is affirming her political agency through dissent. As French philosopher Jacques Rancière explains, one of the foundational aspects of liberalism is its commitment to protecting individual rights, including life, liberty, and property (Chambers 6). Rancière distinguishes between democratic politics and liberalism, noting that liberalism emphasizes a limited government designed to prevent power overreach, which could infringe upon these rights. The liberal framework, particularly in its Lockean form, emerged to create a stable political order aimed at protecting individual rights, especially property. This desire for predictability and security is reflected in social science methods, which aim to categorize and quantify social life, reducing complex human experiences into discrete, measurable units (Chambers 6). *Antíkoni* critiques the hierarchical control imposed by both liberalism and social science on Native bodies when she affirms how “human-made laws” attempt to control both the human and more-than-human world by defining, categorizing – attempting to “interrupt Time” and “stop the Earth from turning”. Antíkoni’s use of “yet” suggests that the state she occupies is one of potential, “unleashed by an unknowable future” (Kalua 24), but rich with possibilities. This aligns with Rancière’s notion that political acts are inherently unpredictable and disruptive (Chambers 5). As Samuel Chambers notes, for Rancière, “politics is always a surprise” that interrupts established orders, contrasting sharply with the stability and order sought by liberal political theory and social science (Chambers 5).

Moreover, by affirming her agency in this liminal space, Antíkoni enacts what Rancière calls the “politics of disagreement”. Rancière questions how those seeking equality navigate their eligibility for rights, given that existing identities are part of the system of inequality they are challenging. For example, the stateless cannot claim human rights through the identity of a citizen because they are not recognized as such. While their identity as human is essential, it is insufficient to claim rights because it does not connect them to a specific nation or community. Rancière offers a “third option”, suggesting that those seeking equality must “work the intervals between”

existing identities, often using strategies like parody, mimicry, and citation (Honig 145 – 46). As Bonnie Honig observes, “parody, mimicry, and citation are possible because of the excessiveness of language – what Rancière calls its ‘literarity’ – which is normally domesticated by figurations like onomatopoeia, which name that excessiveness and give it function” (144). However, Honig argues that *adianoeta*, a rhetorical counter–strategy, enables dissidents to mobilize the excessiveness of language in a different way, disrupting the dominant order.

I contend that, as a form of “double entendre”, *adianoeta* thrives in the ambiguity – laden liminal space Bhabha theorizes, undermining the hegemonic colonial power’s sole authority by acknowledging the influence of “marginal cultures and languages” in the meaning– making process. A compelling example of this in Antíkoni’s speech appears in the phrase, “I retreat to this living tomb, this landless home, to this place that is both nowhere and everywhere at once” (160). On the surface, this statement refers to her liminal state between life and death. However, Antíkoni also alludes to the broader experience of Indigenous peoples whose ancestral lands have been seized or disrupted by colonial forces, rendering them “landless”. Throughout her speech, Antíkoni attributes the notion of in-betweenness and suspension to both the dead and the living. It is within this “interval” between these two states that she is able to challenge and subvert hegemonic control on meaning, suggesting the potential for new developments and transformation. This space of in-betweenness reflects the condition of Indigenous people as being both “landless” and “everywhere”, inhabiting a trans-temporal and trans-spatial structure of belonging and kinship that defies colonial material and epistemological displacement and dispossession.

In the play, parody and mimicry are most clearly expressed by the Aunties, who challenge Kreon’s authority through word games and riddles. Moreover, the text is replete with citations and inter–citations that create a web of relations throughout the stories and characters’ speeches. In her final speech, Antíkoni uses a form of mimicry by mirroring both the condition of her ancestors and the one of the living. As previously mentioned, in Indigenous worldviews the dead are active members of society. However, liberalism, adhering to the “dead—are-gone” assumption, limits societal formation to the living. This is not simply about belief in the existence or not of an afterlife, but rather the liberal assumption that the dead hold no moral status in the present (Mulgan

3). Antíkoni, however, refuses to choose between the living and the dead, instead “working within the interval” between these two identities. In this space, she finds political voice and presence, and she uses mimicry to assert her dissent. In fact, in her final speech, Antíkoni mirrors the condition of both her ancestors and her “kin”: just as the lives of the dead are suspended, so too is the grief of her kin, who “find no comfort in grief”. Rancière’s concept of “working the interval” draws attention to how Antíkoni embodies both identities that are in contention throughout the play. Initially, she laments her “imprisonment”, which is imposed by the denial of proper burial and mourning rites. Later, she reaffirms this lament as she inhabits the world of the dead, whose suspended state prevents them from finding peace: “My life as theirs suspended, just as that of my kin, who find no comfort in grief, whose grief can never begin and thus will never end” (159).

Antíkoni operates within the interval between the living and the dead, representing both groups who are denied their rights: the dead, who are denied the right to a proper burial on the grounds of recognition by federal standards, as the *Bonnichsen* case demonstrates, and the living, who are denied the right to mourn and honor their ancestors. In this way, she fully embraces the liminal space between life and death, challenging the rigid separation of these two realms. By taking up the cause of those not yet recognized as bearers of human rights, Antíkoni affirms the “sovereignty of tribal bones” (Vizenor *Bone Courts* 320 – 321). Gerald Vizenor speaks of the “prima facie rights of human remains, sovereign tribal bones, to be their own narrators” (Vizenor *Bone Courts* 320 – 321). In this liminal space, Antíkoni directly challenges the neocolonial scientific perspective that has historically confined tribal remains to what Vizenor calls “linguistic servitude”. By resisting this “science and narrative apocoptation”, Antíkoni affirms the right of Indigenous remains to be represented as subjects, rejecting their reduction to mere objects of scientific inquiry. Vizenor’s concept of “bone courts” critiques the entanglement of legal and scientific discourses that diminish the cultural and legal significance of these remains. For Vizenor, “tribal bones” possess agency, functioning as bearers of cultural, social, and legal values that extend beyond the living to include the broader natural world – “stones, water, trees, animals, and the dead” (ibid.). Thus, through the portrayal of Antíkoni speaking for and with the “tribal bones” of her ancestors, the play asserts their presence as active,

speaking subjects who resist colonial legal and scientific frameworks' limitation of their human rights and agency.

As Antikoni image multiplies on the screen, the audience witnesses Ismene, Haimon, and Kreon entering the stage, while the Aunties begin drumming. The three characters turn toward the screen, creating a powerful mirroring effect. When Haimon and Ismene touch “an avatar” the image returns to Antikoni’s face, while in the end the image returns on her visage. This last scene, marked by repetition and ritualistic elements, unfolds against the rhythmic backdrop of the drumming, emphasizing the cyclical and communal nature of the moment. As I mentioned, inter-citation is a powerful strategy that creates a web of references and empowers meaning-making. This strategy is particularly evident in this last scene, which each character cites one phrase that the audience already heard during the play. Stage directions read: “[a]s each one speaks, their voices overlap. They chant each phrase several times, with differing inflections, to create a cacophonous sound” (161). Antikoni cites the words she pronounced at the beginning of the play “What is denied the Dead is denied the living ten/times again./We remain captives with them”. However, as the other characters join in and merge their voices, new meanings emerge. Ismene echoes Antikoni’s earlier affirmation of ancient laws: “Elder Brother set the Earth in motion, turning it to the right/We must care for the body this way/from time immemorial, for eternal time” (161), while Haimon cites his own previous words to Kreon: “You remain an Indian, and an Indian is nothing without his tribe” (161). Notably, unlike Sophocles’ *Antigone*, Piatote portrays Kreon undergoing a form of rehabilitation. He repeats his earlier statement to Haimon, “This is how we’ve survived / and how we’ve undermined / The United States of Surveillance” (148), but now, in response to Haimon’s affirmation of communal ties, these words take on a deeper, transformative meaning.

Previously, Kreon had affirmed his survival by conforming to the surveillance and authority of U.S. law. However, in this moment, his words reflect a shift: he recognizes that his voice – aligned with Antikoni and the other community members - as the power to disrupt colonial authority. This marks a significant change in Kreon, moving him from a politics of submission and internalization to one of resistance. His joining his family and community gives way to an understanding of how marginalized voices can subvert those very structures of power through, as Dale Bauer puts it, “the opposition

between the surveillant gaze and the disruptive (excessive or insistent) voice” (2), in this case, the voice of the colonized “other”.

The play’s conclusion is marked by the return of the Chorus, repeating the final lines of the creation story: “The humans are coming soon, they are already on their way” (161), pointing at the interconnectedness between human and the more than human that the creation story foregrounded. The final sequence of the play, where the characters’ voices gradually overlap against the rhythmic drumming of the Aunties—who are positioned in a circle around the audience—creates a powerful sense of unity between the characters on stage and *Antíkoni* on the screen. This staging suggests that all the characters inhabit a shared liminal space, a “third space” where multiple voices and identities coexist, interact, and collectively challenge dominant narratives. The overlapping voices mirror the Native American tradition of collaborative storytelling, which representing “wholeness” as a dynamic, ever-evolving process (Reid 69) that is crucial to community survival. Orality, as Paula Gunn Allen affirms, “is vital; it heals itself tribal web by adapting to the flow of the present while never relinquishing its connection to the past” (45), and I would add, the future. In this sense, *Antíkoni*’s previous invocation of “the not-yet” refers not only to the characters and ancestors but also to future generations, binding the multivocal community through a shared sense of continuity. This staging of multivocality establishes a balance among different community viewpoints and unites the characters through the ritual of repetition and collaborative storytelling. that serves as a powerful affirmation of rhetorical sovereignty, sovereignty centers on their identity as a collective nation or people. The final scene, through its multivocal and collaborative storytelling, powerfully asserts this collective identity, highlighting the sovereignty of Native communities and their continued cultural resilience in the face of dominant, colonial narratives. This open-ended sequence points toward a sense of empowerment that emerges from a state of becoming, grounded in the relationality “with all of creation and within and between [...] families, communities, and nations” (Gray 5).

4.9. Conclusion

I have demonstrated how *Antíkoni* critiques the dismissal of Indigenous ways of knowing in both the *Bonnichsen* case and NAGPRA by re-centering Indigenous women’s political agency in decolonization efforts. The play achieves this by endowing

the character of Antikoni with political agency and rhetorical sovereignty, the same rhetorical power embodied in the Aunties' storytelling and commentary. By reworking the character of Antigone as a young Cayuse woman engaged in the politics of burial kinship, and sovereignty, the play "interrupts" colonial legal discourses of ownership, property, and control that ground colonial repatriation practices. In contrast, it offers a decolonial alternative, embodied in the concept of "rematriation" – an Indigenous feminist praxis of recovery, return, and sociopolitical resurgence. Thus, through the adaptation of the Greek classic, Piatote proposes an alternative to colonial repatriation practices that exclude Indigenous ways of knowing, being, and doing. The conclusion points toward an opening to the future – a "not-yet", demonstrating, as Piatote suggests, how "literature challenges law by imagining alternative plots and resolutions, sometimes framed as non-resolution or states of suspension" (*Domestic* 10).

Conclusions

This dissertation has examined three plays by contemporary Indigenous women playwrights from the United States and Canada, emphasizing their theatre as a form of Indigenous feminist activism. It argues that these playwrights use the stage as a potent medium to confront and challenge settler-colonial legal narratives that have systematically marginalized Indigenous women. These works critically engage with the effects of Anglo-American and Canadian legal systems on Indigenous women's identities, governance, cultural property, and relationships to land. By transforming theatre into a space for both social and legal critique, these playwrights enact a form of activism that uses storytelling to advocate for justice, sovereignty, and cultural resurgence. Moreover, by engaging Indigenous stories as intellectual tools for exploring and articulating Indigenous legal values, this study shows that these playwrights do more than critique systemic marginalization. Through their integration of traditional stories, they reimagine theatre as a space for conveying community-centered Indigenous values concerning law, culture, and gender identity.

Grounded in Indigenous feminist theory, the interdisciplinary methodology of this study allowed for a critical examination of how colonial policies and patriarchal practices reinforce unequal power dynamics that systemically harm Indigenous women. Through the analysis of selected texts, the study has highlighted the intersecting systems of race and gender that uniquely oppress Indigenous women, underscoring the intersectional approach that Indigenous feminist theory calls for. Building on foundational work in transnational Indigenous studies, this dissertation has further explored how law and legislation have marginalized and silenced Indigenous peoples within social and political spheres, while also engaging with recent Indigenous feminist literary scholarship that illuminates the profound social and political impacts of colonial legal systems on Indigenous women and their communities.

The analysis of selected legal cases has revealed how each playwright engages with legal issues by intertwining specific cases with literary themes, illustrating that law is essential for understanding Indigenous women's concerns. This approach has highlighted the role of these playwrights in advancing a social justice project where tribal sovereignty and gender justice are seen as interdependent. Examining these legal

cases through an Indigenous feminist legal theory lens has uncovered the profound impact of colonial law on Indigenous women and their communities, exposing its wide-reaching social and political ramifications. This framework has grounded this study's exploration of Indigenous women playwrights' works, which critique the erosion of tribal jurisdiction that increases the vulnerability of Indigenous women and children, resist discriminatory tribal membership codes, and protest the legal perpetuation of injustice through the dispossession of Indigenous sacred objects and human remains.

An Indigenous feminist legal analysis of the Dollar General case (2015)—involving the sexual assault of an Indigenous minor by a non-Native perpetrator on Indigenous land—reveals the significant consequences of restricting tribal civil jurisdiction over non-Indians and its impact on justice for Indigenous victims of sexual violence. This case provides a critical lens through which to read Mary Kathryn Nagle's play *Sovereignty*, which presents violence against Indigenous women as part of a historical continuum that began with the dispossession of Native lands by colonizers in the 1800s and persists today across Indigenous territories. Nagle's portrayal of intergenerational stories illuminates Indigenous women's vulnerability to gender-based violence, highlighting the ongoing intersection between sexual violence and settler-colonial dispossession. The play critiques the U.S. legal system's restrictions on tribal court jurisdiction, which often deny Indigenous women and children legal recourse in cases involving non-Native perpetrators. At the same time, *Sovereignty* asserts Indigenous sovereignty by "re-membering" Cherokee legal values and matrilineal clan systems. By centering a powerful Indigenous woman, activist, and lawyer as its protagonist, Nagle reclaims Indigenous women's roles as cultural carriers and protectors of tribal values, directly challenging the erasure, marginalization, and stereotypes perpetuated by colonial and patriarchal narratives. In *Sovereignty*, Nagle blends her activism as both a Cherokee lawyer fighting for Indigenous women's rights and a playwright, staging alternative visions of justice that prioritize Indigenous women's social, political, and cultural agency. In doing so, she demonstrates that tribal sovereignty and gender empowerment are deeply interconnected forces, essential to community decolonization and broader social justice aims (Suzack, *Indigenous Women's Writing* 13).

The interconnectedness of tribal sovereignty and gender empowerment as core aims of Indigenous women playwrights' activism emerges prominently in Yvette Nolan's

The Unplugging. The play critiques the discriminatory membership codes of the Indian Act – a central issue brought to light by the landmark *Lavell-Bédard* case in the 1970s. Nolan reinterprets a traditional Athabaskan story of two elder women abandoned by their community, adapting it to address contemporary issues of gender and sovereignty. In this reimagining, set in a post-apocalyptic world, Nolan stages two exiled women deemed useless by their community who must rely on traditional wisdom and knowledge of the land to survive in isolation.

Developed within the context of the Idle No More movement, *The Unplugging* demonstrates how the issues raised by the *Lavell-Bédard* case remain relevant today, with Indigenous women artists and activists actively resisting closure and emphasizing the ongoing attacks on Indigenous rights that disproportionately affect Indigenous women. This analysis has shown how the play aligns its critique with the objectives of the *Lavell-Bédard* case and Idle No More activism, challenging restrictive gender roles and colonial-imposed social norms while foregrounding Indigenous values of care, reciprocity, and collective responsibility. By centering Indigenous women’s knowledge and experiences as foundational to both community and environmental protection, the play embodies Nolan’s Indigenous feminist activism, envisioning alternative, decolonized futures.

Indigenous feminist theatrical activism emerged powerfully in the exploration of Beth Piatote’s adaptation of the Greek play *Antigone*. Although the legal decision to which the play responds has not directly addressed issues specific to Indigenous women, it has dismissed Indigenous oral traditions in favor of Western scientific perspectives. My analysis has demonstrated that Piatote’s adaptation offers a critical Indigenous feminist reinterpretation of the Greek classic. By reimagining Sophocles’ play within a contemporary Indigenous context and recasting Antigone as a young Cayuse woman engaged in the politics of kinship, community, and burial, Piatote critiques colonial legal structures that undermine Indigenous sovereignty and burial practices. Through this reimagining, she grants the protagonist political agency, embodying an Indigenous feminist paradigm of “rematriation,” defined as “an embodied praxis of recovery and return, and a sociopolitical mode of resurgence and refusal”, rooted in Indigenous laws and protocols (Gray 1). By foregrounding Indigenous women’s agency in acts of cultural and legal reclamation, I have shown

how, in *Antikoni*, Piatote envisions a decolonial future where communal rights and Indigenous traditions take precedence over colonial frameworks. Through this Indigenous feminist lens, the play critiques Western legal dismissals of Indigenous knowledge and presents a transformative vision of resilience and self-determination, centered on women's foundational roles as activists and healers within their communities.

Together, these plays demonstrate how Indigenous women playwrights enact Indigenous feminist theatrical activism, establishing a distinct category of Indigenous women's theatre within the broader Indigenous theatre tradition from Turtle Island. This field encompasses a diverse group of playwrights – including Larissa Fasthorse (Sicangu Lakota), Marie Clements (Métis), LeAnne Howe (Choctaw), DeLanna Studi (Cherokee), and Madeline Sayet (Mohegan) – who, like those studied here, place gender relations and their complex entanglement with colonial legal structures at the core of their work.

In addition to highlighting the impact of colonial law and patriarchal structures on Indigenous women and their communities, this study has advocated for the transformative power of Indigenous women's activism through theatre. This study is by no means exhaustive but points to a growing area of research at the intersection of theatre and law, particularly in how law is represented, challenged, and discussed on stage. It emphasizes the need for more research in both the general field of theatre and law and in Indigenous theatre from Turtle Island. In Indigenous studies, such an approach would sharpen the focus on how Indigenous theatre and performance contribute to an expanding global field that show the intersections between law and storytelling on stage, and reveal Indigenous legal values as embedded in these narratives, bringing these into dialogue with contemporary legal practices and fostering dialogues between different and varied legal traditions. A promising direction for future research lies in examining Indigenous theatre's role in restorative justice. Further study could investigate how Indigenous theatre serves as a transitional justice tool grounded in Indigenous perspectives. Comparative research might also explore Indigenous theatre globally, identifying unique and shared strategies for reimagining law and reclaiming cultural narratives. A definitely under-researched and interesting field of research could extend the analysis of how Indigenous theatre represents queer/non-binary identities and

how it shows the interplay and tensions between Indigenous and colonial legal frameworks.

By centering the voices of Indigenous women and engaging with their contributions to feminist activism, I argue that these plays become powerful instruments of social justice. They create a creative-critical space that reimagines Indigenous legal values and traditions within the dramatic narrative, reclaiming storytelling as an act of intellectual sovereignty and cultural resurgence. These playwrights challenge the notion of a gender-neutral sovereignty, emphasizing that the lived experiences and knowledge of Indigenous women are essential to envisioning a just, decolonized future. Their work not only advances social and legal justice but also fosters a much needed, meaningful dialogue between Indigenous and non-Indigenous audiences.

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