

# Lacrosse as Haudenosaunee Constitutionalism: Legal Ceremony, Sport, & Resurgence

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MATTHEW C. TSE \*

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\* Faculty of Law Fellow at the University of Toronto (2023-2024); LL.M. (Toronto); J.D. & B.C.L., B.A. (McGill).

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## ABSTRACT

For the Haudenosaunee, lacrosse transcends mere sport. This article situates lacrosse at the foundation of the Haudenosaunee constitutional order, as legal ceremony through which meaning is recited and (re)generated. The traditional game draws legal meaning from the Haudenosaunee *Creation Story* and enables players to re-enact the Creator's constitutional authority, to appeal to this authority for arbitration, and to restore individual and communal order within its political body. However, the advent of the 'modern game' stripped the game of its Haudenosaunee meaning. Canadian settlers mapped their identity upon lacrosse to reflect distinct New World social imaginaries. Moreover, they used it as a vehicle of repression against Indigenous peoples. Nevertheless, the modern game has also been reclaimed by Indigenous peoples as an act of resurgence in the face of repression—a maneuver in the politics of refusal that turns inward to (re)generate relationality that is and becomes their constitutional order, on its own terms.

This article provides a case study of transsystemic legality, wherein Indigenous and settler legal orders interact and evolve in this interaction. At the same time, this article explores beyond politics of recognition. Recognition is Other-regarding. But without one's own constitution, there is nothing to be recognized. This is why lacrosse is fundamentally important as an act of resurgent legality, both in its traditional and modern forms. It is a self-regarding practice that reinforces the internal architecture of Haudenosaunee constitutionalism.

**Keywords:** *Stick Ball Sport, Indigenous Law, Rooted Constitutionalism, Kayanerenkó:wa, Iroquois, Six Nations Confederacy*

*“The Haudenosaunee have lost many [lacrosse] games,  
But we have never been defeated.”*<sup>1</sup>

— Oren Lyons, Onondaga Faithkeeper

## I. INTRODUCTION

I always found it hard to sit still. I was a terribly energetic child, I imagine, buzzing around my home and bouncing off its walls. It did not take long for my parents to enroll me in sport. They realized I needed a physical outlet (for the sake of their wellbeing, as well as mine). Hockey was my first love. Lacrosse was my second. Like many Canadians, lacrosse spared my parents of summers in a cold rink. But the speed and physicality of the game resonated like nothing I had experienced before. I was enchanted. Lacrosse tired me out. More, it made friends of my teammates. And in this balance between exercise and socialization, I grounded my sense of self, having fun along the way. For many, therein lies the power of sport: exercise, socialization, and recreation.

But for the Haudenosaunee, lacrosse is so much more than sport.<sup>2</sup> It is at the core of their constitutional order. Section II uses Aaron Mills’ ‘rooted constitutionalism’ framework to establish how lacrosse is ceremony that is both generated by and generative of Haudenosaunee legality. Here, I draw from the Haudenosaunee *Creation Story* to connect lacrosse to legal meaning. With this meaning, lacrosse becomes performance of legal ceremony: acts, which recite and (re)generate legal meaning within a particular

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<sup>1</sup> DVD: *Spirit Game: Pride of a Nation* (California: One Bowl Productions, 2017) [*Spirit Game*].

<sup>2</sup> This article focuses on the Haudenosaunee form of lacrosse because it is the origin of the modern game that is played today. It should be noted that there are many Indigenous peoples on Turtle Island with their own forms of stickball that similarly connect to their lifeworlds. For e.g., Huron Wendat, Anishinaabeg, and Nēhiyawak have their own versions of lacrosse with distinct cultural meaning: Allan Downey, *The Creator’s Game: Lacrosse, Identity, and Indigenous Nationhood* (Vancouver, UBC Press, 2018) at 38 [Downey, *Creator’s Game*]. See also Allan Downey, “Claiming ‘Our Game’: Skwxú7mesh Lacrosse and the Performance of Indigenous Nationhood in the Early Twentieth Century” in Peter Gossage & Robert Rutherford, eds, *Making Men, Making History: Canadian Masculinities across Time and Place* (Vancouver: UBC Press, 2018) at 198 [Downey, “Claiming ‘Our Game’”].

legal order. In Section III, I assert that lacrosse became a space of contest between Indigenous and settler meaning. In the wake of Canadian confederation, settlers mapped their identity upon lacrosse to reflect distinct New World social imaginaries. This appropriation resulted in the ‘modern game’ that is played today, which is distinct from its Haudenosaunee ceremonial form. The modern game posited universalized rules that were derived from the ‘civilized’ European *ethos* of the time. As such, lacrosse also became a vehicle used to repress Indigenous legality. However, in Section IV, I explain how Indigenous lacrosse players overcome this repression by embodying resurgence—a maneuver in the politics of refusal that turns inward to (re)generate constitutional meaning. This inward (re)generation cascades into revitalized relationality, sprawling beyond the Haudenosaunee body politic into constellations of co-resistance. Through this process, the modern game of lacrosse perpetuates Haudenosaunee constitutionalism on its own terms—it is not merely the politics of recognition.<sup>3</sup> In this sense, lacrosse is still practiced today by the Haudenosaunee as legal ceremony. A brief conclusory section follows and reflects on how a Haudenosaunee Olympic lacrosse team would bolster resurgent practices of constitutionalism.

## II. LACROSSE AS ROOTED CONSTITUTIONALISM

This section grounds the article’s thesis in Aaron Mills’ ‘rooted constitutionalism,’ which frames the dynamics of meaning that exist within Indigenous legal orders.<sup>4</sup> Legal orders extend beyond

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<sup>3</sup> The politics of recognition is a concept commonly attributed to Charles Taylor, who theorized how minority groups may demand social recognition of their identity to overcome mis- or non-recognition, which can have negative material, psychological, and moral impacts on their dignity and opportunity: see Charles Taylor, *Multiculturalism: examining the politics of recognition* (Princeton, N.J.: Princeton University Press, 1994) at 23. *Contra* the politics of refusal in which minority groups do not see recognition from an Other group: see generally, Glen Sean Coulthard, *Red skin, white masks: rejecting the colonial politics of recognition* (Minneapolis: University of Minnesota Press, 2014).

<sup>4</sup> While Mills does not assert that this framework is necessarily applicable to all Indigenous peoples in Turtle Island, he suggests that its applicability is pervasive because all systems of law are informed by the storied narratives (i.e. “lifeworlds”) at their roots. See Aaron Mills, “The Lifeworlds of Law: On Revitalizing Indigenous Legal Orders Today” (2016) 61:4 McGill L J 847 at

substantive law to include conceptual structuring that is generative of and generated by a particular peoples' culture.<sup>5</sup> To explain the dynamics of this structuring, Mills uses a tree as a metaphor for constitutional structure: the roots, trunk, branches, and leaves each represent different degrees of conceptual abstraction (listed from most to least abstract).

Within this framework, legal orders are most abstract at their roots where they establish foundational epistemological, cosmological, and ontological commitments.<sup>6</sup> The commitments at the roots combine to form a coherent system of ways of knowing and being, which Mills calls the 'lifeworld.'<sup>7</sup> Often, creation stories serve as a foundational source for discerning what exists in the lifeworld, why they exist, and how.<sup>8</sup> Mills explains, for example, that creation stories disclose "what a person is, what community is, and what freedom looks like."<sup>9</sup> In this way, lifeworlds serve as the "narrative analytic level" of legality, which establishes the animating foundation of law.<sup>10</sup>

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863 [Mills, "The Lifeworlds of Law"].

<sup>5</sup> John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) at 7–8 [Borrows, *Canada's Indigenous Constitution*]. Here, Borrows writes:

A legal tradition [...] is a set of deeply rooted, historically conditioned attitudes about the nature of law, about the role of law in the society and the polity, about the proper organization and operation of a legal system, and about the ways law is or should be made, applied, studied, perfected, and taught.

<sup>6</sup> Aaron Mills, *Miinigowiziwin: All That Has Been Given for Living Well Together: One Vision of Anishinaabe Constitutionalism* (Doctor of Philosophy, University of Victoria Faculty of Law, 2019) at 24 [Mills, *Miinigowiziwin*].

<sup>7</sup> Mills, *Miinigowiziwin*, *supra* note 6 at 24. See Mills, "The Lifeworlds of Law", *supra* note 4 at 862.

<sup>8</sup> See Mills, *Miinigowiziwin*, *supra* note 6 at 24. See also Mills, "The Lifeworlds of Law", *supra* note 4 at 863 & fn 6. See also Aaron Mills, "Rooted Constitutionalism: Growing Political Community" in John Borrows, James Tully, Michael Asch, eds, *Resurgence and Reconciliation* (Toronto: University of Toronto Press, 2019) at 57 [Mills, "Rooted Constitutionalism"]. See also Borrows, *Canada's Indigenous Constitution*, *supra* note 5 at 24–25.

<sup>9</sup> Mills, "The Lifeworlds of Law", *supra* note 4 at 862.

<sup>10</sup> Mills, *Miinigowiziwin*, *supra* note 6 at 24–25. At this level, rooted constitutional orders differ considerably from liberalism which generally underpins Western constitutionalism— a difference of kind, not merely

The next level of Mills' framework is the trunk, which represents the constitutional order.<sup>11</sup> Generated from its roots, the trunk structures the political body of a people. It organizes how persons relate to each other within the legal order (e.g., kinship). In this way, the constitutional order guides how the lifeworld's animating logics are channeled. Constitutionalism is thus understood broadly to describe how a people come into being, rather than narrow reference to any particular founding document.<sup>12</sup> It is its "legality's logical-structural level."<sup>13</sup> Like the roots, the trunk is not substantive law.<sup>14</sup>

The substance of legality begins to take shape at the branch level. Here, legal institutions and their processes form from the abstract levels below. At this level, legal orders establish how laws are created, sustained, altered, or unmade.<sup>15</sup>

At the last level, substantive legal rules are generated through these institutions and processes, as leaves from the branches. These laws are the norms that direct how persons are to live. Like leaves, these laws are provisional in nature. Mills writes, "Some will fall off, never to return. Others will return after renewal. All come from, all recur with, earth."<sup>16</sup> Hence, law in rooted constitutionalism is dynamic, both empowered by and constrained by the levels below that give it meaning.

Lacrosse, as legal ceremony, has its meaning empowered and constrained by the roots, trunk, and branches of the Haudenosaunee legal order. Subsection II.a provides an abridged account of the Haudenosaunee *Creation Story* to situate lacrosse at the roots of Haudenosaunee constitutionalism. This telling of the *Creation Story* should not be understood as a complete account of the *Creation Story*; the full story is said to take days to tell.<sup>17</sup> Neither

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difference in degree.<sup>10</sup>

<sup>11</sup> Mills, "The Lifeworlds of Law", *supra* note 4 at 862.

<sup>12</sup> Aaron Mills, "Rooted Constitutionalism", *supra* note 8 at 57.

<sup>13</sup> Mills, *Miinigowiziwin*, *supra* note 6 at 24-25.

<sup>14</sup> *Ibid.*

<sup>15</sup> Mills, "The Lifeworlds of Law", *supra* note 4 at 862. See also Mills, "Rooted Constitutionalism", *supra* note 8 at 57. This level is akin to HLA Hart's concept of "secondary rules": see HLA Hart, *The Concept of Law* (Oxford: Oxford University Press, 2012) at 81.

<sup>16</sup> Aaron Mills, "Rooted Constitutionalism", *supra* note 8 at 57.

<sup>17</sup> See Louellyn White, *Free to be Mohawk: Indigenous Education at the Akwesasne*

does this subsection set out to present an exclusive telling; there are variations in accounts of the *Creation Story*.<sup>18</sup> Instead, the main purpose of this article's telling of the *Creation Story* is to trace lacrosse to the abstract narrative and logical-structural foundations of Haudenosaunee constitutionalism while also maintaining general coherence of the story's overarching context. Thus, grounded in the Haudenosaunee lifeworld, Subsection II.b then explains how lacrosse is practiced as legal ceremony within its constitutional order. As legal ceremony, lacrosse functions to recite and (re)generate constitutional meaning. These ceremonial functions are still enacted today and continue to reinforce Haudenosaunee legality.

### *II.a In Haudenosaunee Creation Story*

Before the dawn of humanity, just above the clouds, lacrosse was played in the Skyworld. Sky Woman had fallen to Earth, where she taught the game to her twin grandsons.<sup>19</sup> The brother, Sapling, embodied goodness while his twin, Flint, embodied evil.<sup>20</sup> In their

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*Freedom School* (Norman, Oklahoma: University of Oklahoma Press, 2015) at 166–167 [White, *Free to be Mohawk*].

<sup>18</sup> As with other legal orders, Indigenous legal sources are subject to various interpretations which reflect a plurality of values and principles within their communities. See Borrows, *Canada's Indigenous Constitution*, *supra* note 5 at 60.

<sup>19</sup> Brennor Jacobs & Brandan Bomberly, *Akhwatsirehkó My Big Family: Our Game Our Experience Our Way* (Oshweken, Ontario: Turtle Back Publishing, 2020) at 16 [Jacobs & Bomberly, *Akhwatsirehkó*]. Alexandra Arellano & Allan Downey similarly describe them as embodiments of 'good mind' versus 'bad mind': see Alexandra Arellano & Allan Downey, "Sport-for-development and the failure of aboriginal subjecthood: re-imagining lacrosse as resurgence in indigenous communities" (2019) 9:4 *Settler Colonial Studies* 457 at 459–460 [Arellano & Downey, "Sport-for-development and the failure of aboriginal subjecthood"]. According to Paul Williams, this concept is not always a binary of good or bad minds. See Paul Williams *Kayanerenkó:wa: The Great Law of Peace* (Winnipeg: University of Manitoba Press, 2018) [Williams, *Kayanerenkó:wa*] explain at 371:

If the light is the Creator's time, the night belongs to his brother. As light is life, so darkness is death and depression, but it is also rest and regeneration. To continue council into the night would be to invite the influence of the dark side, but also to interfere with the balance between work and rest.

<sup>20</sup> White, *Free to be Mohawk*, *supra* note 17 at 29.

polarity, they were at constant quarrel until they finally sought to settle their differences through a game of lacrosse—the winner would guide our world.<sup>21</sup> As they learned from their grandmother, this is how disputes were settled in the Skyworld.<sup>22</sup> But their game had gone on for six days with no winner in sight. Flint was frustrated; he lunged at his brother with a sharpened stick to kill him.<sup>23</sup> Sapling evaded the strike and, defending himself with an antler, subdued Flint and banished him into darkness. No longer opposed, Sapling became the Creator.<sup>24</sup> Hence, lacrosse became the Creator's Game.

The Creator brought life to our natural world.<sup>25</sup> He made the mountains, rivers, animals, and plants.<sup>26</sup> And, eventually, he took the winds of Mother Earth and channeled them into red dirt.<sup>27</sup> From this breath, humans were gifted life.<sup>28</sup> And for this gift, humanity was charged with caring for worldly creation.<sup>29</sup> This was the Creator's *Original Instructions*: to live in balance, peace, harmony, and gratitude.<sup>30</sup> To satisfy these instructions is to have a 'good mind,' the essence of spiritual being.<sup>31</sup> This is how the Haudenosaunee were created.

One day a strange old man with long hair appeared in our world. Born of the Western wind, his name is Hadoui. He holds a hickory tree for a cane and a snapping turtle rattle.<sup>32</sup> Hadoui is a

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<sup>21</sup> Jacobs & Bomberly, *Akhwatsirehkó*, *supra* note 19 at 16.

<sup>22</sup> Allan Downey, *Creator's Game*, *supra* note 2 at 7 says Flint dies. Kayanesenh Paul Williams says Flint is banished: see Williams *Kayanerenkó:wa*, *supra* note 19 at 378.

<sup>23</sup> Downey, *Creator's Game*, *supra* note 2 at 10.

<sup>24</sup> Jacobs & Bomberly, *Akhwatsirehkó*, *supra* note 19 at 16.

<sup>25</sup> Arellano & Downey, "Sport-for-development and the failure of aboriginal subjecthood", *supra* note 19 at 460.

<sup>26</sup> *Ibid.*

<sup>27</sup> Jacobs & Bomberly, *Akhwatsirehkó*, *supra* note 19 at 22.

<sup>28</sup> *Ibid.*

<sup>29</sup> White, *Free to be Mohawk*, *supra* note 17 at 29.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.* at 164. White explains that while one may physically exist as a being, they are incomplete in the Haudenosaunee lifeworld if they do not have a good mind. Being has a spiritual element that is fulfilled when one has a good mind. Without this spiritual element, one is incomplete or not full.

<sup>32</sup> Downey, *Creator's Game*, *supra* note 2 at 10.



powerful man so he claimed the world when he met the Creator. But the Creator refused, "I am afraid I cannot allow that, for this world is of my making."<sup>33</sup> They dueled in a spectacle of power, moving mountains with ease. But Hadoui was no match and conceded. Still, the Creator asked him to stay and take care of the humans.<sup>34</sup> In exchange for tobacco, Hadoui leads his seven thunderbirds and looks over humankind.<sup>35</sup>

Over time, the Haudenosaunee nations had lost their way.<sup>36</sup> They stopped burning tobacco. They forgot the Creator's *Original Instructions*.<sup>37</sup> The nations were locked into cycles of war until a vision of peace came to a Messenger.<sup>38</sup> The Creator gave the Messenger *Kayanerenkó:wa*, The Great Law of Peace. With courage, the Messenger travelled East to West to share it with the warring Mohawk, Oneida, Onondaga, Cayuga, and Seneca Nations. One by one the Messenger convinced them to adopt *Kayanerenkó:wa*. But the Messenger's pursuit for peace was forestalled by the immense mourning of Hiawatha, the Mohawk Chief who had just lost his wife and two daughters.<sup>39</sup> His community arranged a game of lacrosse to console him, appealing to the medicine of Hadoui.<sup>40</sup> Lacrosse was one form of medicine that helped Hiawatha overcome his grief and bring the Messenger's vision to fruition.<sup>41</sup> Adhering to *Kayanerenkó:wa*, the Haudenosaunee nations then

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<sup>33</sup> *Ibid* at 11.

<sup>34</sup> *Ibid*.

<sup>35</sup> *Ibid* at 12.

<sup>36</sup> Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 22.

<sup>37</sup> According to Leroy Hill in Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 24–28.

<sup>38</sup> Williams, *Kayanerenkó:wa*, *supra* note 19 at 1.

<sup>39</sup> Downey, *Creator's Game*, *supra* note 2 at 193.

<sup>40</sup> *Ibid*. See also Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 24.

<sup>41</sup> Lacrosse is not the only thing that healed Hiawatha from his pain. In some tellings of the *Creation Story* it is The Great Peach Bowl Game, which heals him. Sometimes it is both lacrosse and the Great Peach Bowl Game. Sometimes, his healing is attributed to wampum strings that were used to console him: see Borrows, *Canada's Indigenous Constitution*, *supra* note 5 at 74. Wampum strings are said to appeal to deeper meaning within the Haudenosaunee lifeworld. In this instance, Borrows suggests that the wampum encode the teachings of *Kayanerenkó:wa*.

buried their hatchets under the Tree of Peace.<sup>42</sup> Lacrosse was vitally entwined in the events that led to the founding of the Haudenosaunee Confederacy, a chieftainship structured according to the principles of *Kayanerenkó:wa*.<sup>43</sup>

## ***II.b Constitutional Ceremony: For Creator, For Peace, For Medicine, For Kinship, For Self***

The *Creation Story* is at the foundation of the Haudenosaunee lifeworld. It is an ontological explanation of worldly existence. For example, the *Creation Story* affirms that non-human beings, like the Creator, are agential. Furthermore, the *Creation Story* explains how the Haudenosaunee were formed as a people. This is not simply with reference to the *Original Instructions* or *Kayanerenkó:wa*, but also in how legal principles are realized to constitute a Haudenosaunee way of being. For example, Sapling's level-headed composure in banishing his brother teaches us to keep a good mind—the first principle in *Kayanerenkó:wa*.<sup>44</sup> Ultimately, the *Creation Story*, at the roots of Haudenosaunee constitutionalism, gives foundational meaning to its legal order.

The *Creation Story* is a core source of meaning for the Haudenosaunee lifeworld. A holistic understanding of their lifeworld is necessary to faithfully appreciate any of its parts, like lacrosse. As Robert Cover famously explained:

rules and principles of justice, the formal institutions of the law, and the conventions of a social order are, indeed, important to that world; they are, however, but a small part of the normative universe that ought to claim our attention. No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.<sup>45</sup>

The formal institutions that govern our everyday are animated by the meaning drawn from narratives rooted in their lifeworld. In Haudenosaunee constitutionalism, lacrosse is reference to

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<sup>42</sup> White, *Free to be Mohawk*, *supra* note 17 at 34.

<sup>43</sup> The principles of peace, power, and righteousness are central to *Kayanerenkó:wa*: see Borrows, *Canada's Indigenous Constitution*, *supra* note 5 at 73.

<sup>44</sup> This is why antlers represent a good mind: Downey, *Creator's Game*, *supra* note 2 at 1. See also Williams, *Kayanerenkó:wa*, *supra* note 19 at 2.

<sup>45</sup> Robert Cover, "Forward: Nomos and Narrative" (1983) 97 Harvard L Rev 4 at 4.

creation, is reference to ontology, is reference to politics, is reference to law, and so forth.<sup>46</sup>

Such meaning is not limited to uttered significance, to words in and of themselves. Meaning may be imbued in performance, like playing lacrosse: by performing an *action*, the performer may also *say* what they are doing.<sup>47</sup> But the meaning of the act is not boundless. It is grounded in the intended goal ('objective') of its performer ('subjective') and relative to their lifeworld ('intersubjective').<sup>48</sup> Therefore, actions 'say' their intended meaning when an observer enters the lifeworld of its performer; that is, when the observer interprets the action through its performer's intended meaning, as opposed to interpretation based on a different lifeworld. When the Haudenosaunee call lacrosse the "Creator's Game" or the "Medicine Game," they situate it within their lifeworld. They distinguish the game from interpretation through Western lifeworlds. In doing so, they distinguish the game from 'secular' sport. In entering the Haudenosaunee lifeworld, playing lacrosse becomes recital and (re)generation of law in at least three ways.

First, as the Creator's Game, lacrosse is played for the Creator's entertainment.<sup>49</sup> It is a form of thanks-giving ceremony, adhering to the *Original Instructions*, that affirms the Creator's constitutionalizing authority.<sup>50</sup> Accordingly, lacrosse players

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<sup>46</sup> See Matthew C Tse "Learning from the Creator's Game: Lacrosse, Haudenosaunee Knowledge, & Grounded Pedagogy" (forthcoming) 4:1 Rooted LJ [Tse, "Learning from the Creator's Game"]. Note, the grammatic decision to separate these references by comma is intentional to connote that it is not a linear chain within a lifeworld, but a web that may take any sequence without limit to repeating points of reference. *Contra* Mills, who seems to suggest a linear direction of his framework: "lifeworlds → lifeways → legal traditions → law." See Mills, *Miinigowiziwin*, *supra* note 6 at 24–25 at 24.

<sup>47</sup> See Jürgen Habermas calls this phenomenon, "speech acts": Jürgen Habermas, *On the pragmatics of communication* (Cambridge, Mass.: MIT Press, 1998) [Habermas, *Pragmatics of Communication*] at 217. See Bruce Morito theorize the mutual construction of Indigenous-settler lifeworlds: Bruce Morito, *An Ethic of Mutual Respect: The Covenant Chain and Aboriginal-Crown Relations* (Vancouver: UBC Press, 2012) at 75–76.

<sup>48</sup> Habermas, *Pragmatics of Communication*, *supra* note 47 at 217.

<sup>49</sup> Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 18.

<sup>50</sup> Williams, *Kayanerenkó:wa*, *supra* note 19 at 32–33. See also Louis Tewenhni'tatshon Delisle in Lacrosse Canada, "The History of Lacrosse in

perform recognition of their cosmological origin and fulfill responsibilities that flow there from. The Creator's Game is a form of constitutional re-enactment.

Second, the Creator's Game can invoke an alternative intent: dispute resolution.<sup>51</sup> People, clans, communities, or nations might settle their disputes through lacrosse.<sup>52</sup> For example, games could determine which community held right over hunting grounds.<sup>53</sup> From this function, lacrosse gained reputé as the "little brother of war."<sup>54</sup> The winner of the game settles the dispute in their favor, as Sapling and Flint had agreed in the *Creation Story*. In practice, the Creator is understood to participate with divine intervention. There are no referees; the Creator steps in to penalize players who play with a bad mind, contrary to his *Original Instructions*.<sup>55</sup>

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Caughnawaga/Kahnawake and How the Warriors/Lacrosse Players Played a Significant Role in the Evolution of Turtle Island" (2017) online (video): <<https://youtu.be/hjCMG1IkInY?si=m9Yx2xH1Xb0nUGlh>> [perma.cc/LNP6-CVJJ] [Delisle, "The History of Lacrosse in Caughnawaga/Kahnawake"]. I use 'authority' in the sense that the Creator 'authorizes,' or more specifically connoting a sense of 'authorship' that is at the etymological origin of the word. However, it should not import European political notions of supremacy, which would run contrary to Haudenosaunee law.

<sup>51</sup> Downey, *Creator's Game*, *supra* note 2 at 38.

<sup>52</sup> Jim Calder, "Lacrosse: From the Creator's Game to Modern Sport" (2017) online (encyclopedia): <<https://www.thecanadianencyclopedia.ca/en/article/lacrosse-from-creators-game-to-modern-sport>> [perma.cc/R3P7-PVLT] [Calder, "Lacrosse"].

<sup>53</sup> *Ibid.*

<sup>54</sup> Jacobs & Bomberly, *Akwatsirehkó*, *supra* note 19 at 241. See generally, Thomas Vennum, *American Indian Lacrosse: Little brother of war* (Washington & London: Smithsonian Press, 1994).

Note, this reputation suggests that lacrosse is an alternative to war, not an aspect of it. In one telling of the *Creation Story* by Mohawk Scholar Brian Rice, the Messenger encounters some boys playing lacrosse to train for war. The messenger confronts them, "Stop what you are doing! Why do you continue to play games of war? Did not any one in the village tell you that using the Creator's game to prepare for warfare was against the will of Teharonhia:ako[, the Creator]?" See Brian Rice, *The Rotinonshonni : a traditional Iroquoian history through the eyes of Teharonhia:wako and Sawiskera* (Syracuse, NY: Syracuse University Press, 2016) at 180.

<sup>55</sup> Downey, *Creator's Game*, *supra* note 2 at 192. Recall, this is reference the first principle of *Kayanerenkó:wa*: see at Williams, *Kayanerenkó:wa*, *supra* note 19

Moreover, the final score is understood to be the will of the Creator.<sup>56</sup> In this function of lacrosse, the Creator becomes arbitrator.

Third, as the Medicine Game, lacrosse invokes healing or consoling. This is distinct to the intent of the Creator's Game, though not necessarily exclusive to it. These games appeal to the powers of the Creator and Hadoui.<sup>57</sup> At an individual level, lacrosse induces good mind.<sup>58</sup> On one hand, good mind guides players to lawful or righteous behavior.<sup>59</sup> It relieves them of grief, anger, pain, or greed that might impede their judgement.<sup>60</sup> On the other hand, good mind realizes their spiritual being which enables the affect of their ceremonial intent.<sup>61</sup> This relates to the interpersonal level of the Medicine Game: it is initiated by a seer or community member to relieve suffering of human or non-human beings, like drought, sickness, conflict, and grief.<sup>62</sup> The healing extends beyond the players, into the community—human

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at 2.

<sup>56</sup> Delisle, "History of Kahnawake Lacrosse," *supra* note 50.

<sup>57</sup> Downey, *Creator's Game*, *supra* note 2 at 12. This is why tobacco is burned before lacrosse is played: see Cam Hill explain in Jacobs & Bomberry, *Akhwatsirehkó*, *supra* note 19 at 18.

<sup>58</sup> Jacobs & Bomberry, *Akhwatsirehkó*, *supra* note 19 at 241.

<sup>59</sup> Williams, *Kayanerenkó:wa*, *supra* note 19 at 2. See also White, *Free to be Mohawk* *supra* note 17 at 164. See also Taiaiake Alfred, *Wasáse: Indigenous Pathways of Action and Freedom* (Peterborough, Ontario: Broadview Press, 2005) at 271–272 [Alfred, *Wasáse*].

<sup>60</sup> Williams, *Kayanerenkó:wa*, *supra* note 19 at 2.

<sup>61</sup> White, *Free to be Mohawk*, *supra* note 17 at 164. See Downey, *Creator's Game*, *supra* note 2 at 10 explain how it connects the physical to the mental, emotional, and spiritual.

<sup>62</sup> See Naomi Walser in Lacrosse Canada, "The History of the Medicine Game" (2021) online (video): <[https://youtu.be/T\\_uW7Vqw7cQ?si=xAlwyQ-8fx3vikr0](https://youtu.be/T_uW7Vqw7cQ?si=xAlwyQ-8fx3vikr0)> [perma.cc/9YPL-XR9G]. Recall a game was hosted for Hiawatha to overcome grief. In a similar way, for non-human beings, see e.g., of Medicine Game being played at the Standing Rock reservation "for the healing of the people that were there and what's going on at that reservation": The Canadian Press, "Lacrosse star Lyle Thompson brings 'Medicine Game' to Pipeline Protestors" (1 December 2016), online: <<https://www.nationalobserver.com/2016/12/01/news/lacrosse-star-lyle-thompson-brings-medicine-game-pipeline-protesters>> [perma.cc/4KKE-7U7F].

and non-human, worldly and spiritual.<sup>63</sup> In this way, it is understood to literally ‘lift their spirits’ and bring them back to a good state of mind.<sup>64</sup> The Medicine Game brings metaphysical order. In doing so, lacrosse maintains peace and harmony in the world as called for by the *Original Instructions*.<sup>65</sup> Thus, lacrosse has several layers to its restorative function.

However, according to Haudenosaunee tradition, the Creator’s Game and the Medicine Game only raise ceremonial intent when a wooden stick is used. Its materiality anchors the game into the Haudenosaunee lifeworld.<sup>66</sup> Its wood is said to emanate *orenda*, a life-giving force,<sup>67</sup> which enables lacrosse players to animate its power.<sup>68</sup> The Haudenosaunee acquire this force by

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<sup>63</sup> For e.g., Findley Wilson explains that the game can be played for people who no longer live in our world (thus, those whose spirits exist in Skyworld): see Lacrosse Canada, “The History of the Medicine Game”, *supra* note 62.

<sup>64</sup> Downey, *Creator’s Game*, *supra* note 2 at 193.

<sup>65</sup> See Brian D Rice, *The Rotinoshonni: Through the eyes of Teharonhia: Wako and Sawiskera. A traditional Iroquoian history for modern times* (PhD Dissertation California Institute of Integral Studies, 1999) at 525. Williams, *Kayanerenkó:wa*, *supra* note 19 at 76, explains how divide between parties can be conducive to harmony in some instances:

In several parts of the ceremonies, the people are split into two sides of the longhouse (the anthropologists call them “moieties”). Without the two sides, the ceremonies could not be put through: as in council, having two parts of the people creates harmony rather than division. They help each other.

Helping one another is part of every Haudenosaunee medicine society, as well.

The Medicine Game, as competition between two sides, is one such ceremony where division is conducive to harmony.

<sup>66</sup> See Alf Jacques in Stylin Strings, “The Stickmaker – Alf Jacques “unstrung” handmakes wood lacrosse sticks” (2013) online (video): <<https://www.youtube.com/watch?v=iSoR9oGGpOc&t=64s>> [perma.cc/AZK4-NR5A] [Jacques, “The Stickmaker”].

<sup>67</sup> White, *Free to be Mohawk*, *supra*, note 17 at 30.

<sup>68</sup> White, *Free to be Mohawk*, *supra* note 17 at 164. See also Downey, *Creator’s Game* *supra* note 2 at 39. See also Onondaga stick-maker Alf Jacques explain in Jacques, “The Stickmaker” *supra* note 66.

Note, the *orenda* in wooden sticks is often invoked in Haudenosaunee communities as a reason that women cannot play lacrosse. However, this belief is specifically rooted in tradition regarding menstruation and lacrosse as ceremony, not a general ban on women playing lacrosse. These objections

adhering to the *Original Instructions*.<sup>69</sup> There are two relevant elements to *orenda*: power and dynamism. ‘Power,’ here, does not convey might over others.<sup>70</sup> Rather, it is a matter of capacity; the performer is able to pursue good intents because *orenda* inherently resists evil.<sup>71</sup> Dynamism flows from the initiation of the *orenda*-harnesser into all things.<sup>72</sup> In this way, it connects them to all worldly and spiritual beings.<sup>73</sup> It perpetuates relationality, which binds the Haudenosaunee constitutional order.

This is signified in the material identity of the stick; it recalls its being as it has travelled through time, from tree to stick. The wood was once a tree. Stick-makers care for their cultivation and, when the time comes for cutting, they give thanks for its gifted

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are based on traditional Haudenosaunee beliefs regarding the power that women have during their menstrual cycles. During this period, their bodies are said to hold powerful sacred medicine that is not welcome in Haudenosaunee ceremonies, including lacrosse. This exclusionary taboo is not for fear of contamination or sexist discrimination, as sometimes assumed from Western feminist critique. Instead, the exclusion is justified by the belief that menstruation is a gift from Grandma Moon. According to Mohawk Bear Clan Mother, Wakerahkats:teh (quoted by Isabella J Spann, *The Story Begins with Skywoman: Centering Haudenosaunee Women in the History of Writing* (MA, Liberal Studies, Dartmouth College, 2022)):

bleeding women can bring vital messages such as planting, healing knowledge, and guidance on community relations...Answers crucial to our survival can come through women and moon lodge. Our bleeding time is a time of incredible power, we must give ourselves permission to ask for the wisdom that eludes us.

If this gifted Moon power is not channelled properly, it can be negated when put in contact with *orenda*. See Sharity L Bassett, *Haudenosaunee Women Lacrosse Players: Making Meaning and Embodying Sovereignty* (PHD, Global Gender and Sexuality Studies, University at Buffalo, State University of New York, 2018) [Bassett, *Haudenosaunee Women Lacrosse Players*] at 119–122. This is a point of community contention, which will be discussed further below, at Section IV, in the context of resurgence, *infra* note 139.

<sup>69</sup> White, *Free to be Mohawk*, *supra* note 17 at 29–30.

<sup>70</sup> *Ibid* at 165.

<sup>71</sup> *Ibid*. For e.g., White explains that the Messenger was able to inspire peace among the Haudenosaunee Confederacy by harnessing *orenda*.

<sup>72</sup> *Ibid* at 30. I use “harnesser” rather than “holder” because simply holding the stick does not suggest the intent required to enter Haudenosaunee lifeworld.

<sup>73</sup> *Ibid*.

wood.<sup>74</sup> In reciprocity, the stick-maker plants nuts; they replenish the forest.<sup>75</sup> Following the *Original Instruction*, the stick-maker reenacts their kinship ties. This, too, is ceremony.<sup>76</sup> But there is more to the stick. Its mesh is made of animal sinew, gut, and hide.<sup>77</sup> The stick-maker continues the cycle of ceremony, accepting gift from non-human beings, and giving thanks. The stick absorbs this relationality and, with the power and dynamism of *orenda*, channels it into strengthening Haudenosaunee constitutionalism. Brendan Bomberry says, “if you take care of your stick, it will take care of you.”<sup>78</sup> The wooden stick perpetuates an ethic of reciprocity.

In realizing this relationality, the wooden stick brings its harnesser into the reality of the Haudenosaunee lifeworld. Thus, the stick becomes an extension of self.<sup>79</sup> It enables its harnesser to become ‘fully human’ through *orenda* and connection to kin.<sup>80</sup> It enables them to be functioning legal persons in the political body.<sup>81</sup> Moreover, it ties into their spiritual being. This is why Haudenosaunee boys are given miniature sticks when they are born and Haudenosaunee men carry their stick as they transition from this life to the next world.<sup>82</sup> One’s spiritual being does not end in this world; it carries on into Skyworld, where they continue to play the Creator’s Game.<sup>83</sup> The wooden stick is morally, legally, politically, and spiritually constitutive of Haudenosaunee self.

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<sup>74</sup> Jacques, “The Stickmaker,” *supra* note 66.

<sup>75</sup> *Spirit Game*, *supra* note 1.

<sup>76</sup> See Alfe Jaques in USA Lacrosse, “Spirit of the Stick” (2019) online (video): <<https://www.youtube.com/watch?v=SIBzSuVxJDg>> [perma.cc/TV62-86LT].

<sup>77</sup> Oren Lyons explains in *Spirit Game*, *supra* note 1.

<sup>78</sup> Bomberry in Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 33. Brendan Bomberry is a professional lacrosse player from the Haudenosaunee national team.

<sup>79</sup> Bomberry in Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 32.

<sup>80</sup> White, *Free to be Mohawk*, *supra* note 17 at 30.

<sup>81</sup> Recall that *orenda* is necessary for good mind, which is necessary for political participation: *ibid* at 163–164.

<sup>82</sup> Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 21.

<sup>83</sup> Jacobs & Bomberry, *Akwatsirehkó*, *supra* note 19 at 25. If one leads a good life, they are honored to take a face-off when they join the Creator to play lacrosse in Skyworld. This is also reflected in the Handsome Lake



In summary, this section has situated lacrosse within Haudenosaunee constitutionalism. The *Creation Story* is foundational to understanding meaning within legal ceremonies, like lacrosse. In this lifeworld, the wooden lacrosse stick is used to play the Creator's Game and the Medicine Game. Its materiality transforms intentional performativity into speech-act that realizes the individual's spiritual being in the Haudenosaunee lifeworld and enables them to re-enact the Creator's constitutional authority, to appeal to this authority for arbitration, and to restore individual and communal order in its political body. Stripped of its lifeworld, lacrosse loses its Haudenosaunee meaning.

### III. LACROSSE AS CONTEST BETWEEN LIFEWORLDS

Lacrosse *did* lose its Haudenosaunee meaning in the advent of the modern version of the game. Subsection III.a illustrates how the modern game emerged without connection to the Haudenosaunee lifeworld. Detached from its Haudenosaunee roots, lacrosse became secular sport to the Canadian public, not legal ceremony. Subsection III.b then traces how the modern game was used to repress the very Indigenous lifeworlds that inspired its creation.

#### *III.a Canada's claim of the 'modern game'*

By the mid-19<sup>th</sup> century, lacrosse had captivated Canadian settlers.<sup>84</sup> Its curious spectacle was recognized by non-Indigenous outsiders as sport. One man was particularly instrumental to this recognition; George Beers published the first rulebook for the game, detaching it from its Haudenosaunee lifeworld and appropriating it into the emerging settler lifeworld.<sup>85</sup> Beers created the 'modern game.' As the product of European positivist *ethos*, the rules encoded liberal humanism rather than the Creator's will and

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cosmological story, where his visions take him to Skyworld to see friends who have passed on from this life: Downey, *Creator's Game* *supra* note 2 at 39–41.

<sup>84</sup> Calder, "Lacrosse," *supra* note 52.

<sup>85</sup> *Ibid.* N.B., there are many versions of Indigenous stickball games resembling lacrosse. The game played today is derived from the Haudenosaunee game that Beers appropriated.

instruction.<sup>86</sup> It rendered players as independent and rational actors, competing for an objective (to win) that is internal to the posited rules of the game. Lacrosse was restructured and stripped of Haudenosaunee meaning.<sup>87</sup>

But the modern game goes further than just removing Haudenosaunee meaning. It too functions as an expressive act, creating meaning by constructing and recalling the Canadian social imaginary. Charles Taylor explains that social imaginaries are,

The ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations.<sup>88</sup>

Social imaginaries are how people understand the interpersonal dimensions of their lifeworld.<sup>89</sup> The modern game was expressive of Canadian nationalism: “Our Country & Our Game.”<sup>90</sup> It adopted the settler colonial claim *over* Indigenous peoples, not just of governance and territory but also culture.<sup>91</sup> Beers claimed that before his rulebook, “[lacrosse] was barren of laws,” echoing the spirit of *Terra Nullius*.<sup>92</sup> He later added,

When civilization tamed the manners and habits of the Indian, it reflected its modifying influence upon his amusement, and thus Lacrosse gradually divested of its radical rudeness and brought to a more sober sport...Only a savage people could, would, or should play the old game<sup>93</sup>

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<sup>86</sup> Downey, *Creator's Game*, *supra* note 2 at 43 call this “scientific regulation.”

<sup>87</sup> Thus, rid of normativity and *contra* natural law. This point is not to deny the existence of natural law in European legal orders of the time; rather, it is to situate this particular codification of rules within a lifeworld that also holds players as independent and rational actors confined by legal prescription without moral narratives.

<sup>88</sup> Charles Taylor, *Modern Social Imaginaries* (London: Duke University Press, 2004) at 23. Emphasis added.

<sup>89</sup> Social imaginaries are different to lifeworlds in that they reflect an understanding that is internal a society's people. Lifeworlds are a related phenomenon but detached from this reflexive understanding.

<sup>90</sup> The National Lacrosse Association of Canada's motto as inscribed upon its crest: Downey, *Creator's Game*, *supra* note 2 at 49.

<sup>91</sup> *Ibid.*

<sup>92</sup> See WG Beers, *Lacrosse. The National Game of Canada* (Montreal: Dawson Brothers, 1869) at v.

<sup>93</sup> *Ibid* at 32.

Beers framed his modern game within the colonial project. And his claims were eventually endorsed by Canada's Parliament—lacrosse: *Canada's* national sport.<sup>94</sup>

At the same time, lacrosse reflected another dimension of the Canadian social imaginary. It anchored a New World Canadian identity upon its British heritage. Rugged aggression was infused with gentlemanly accord.<sup>95</sup> Allan Downey explains that it dressed its players in Victorian notions of masculinity: “independence, industry, self-discipline, and respectability.”<sup>96</sup> The modern game became a gendered performative entangled in the historicity of British sport.<sup>97</sup> No longer Haudenosaunee ceremony, these speech-acts intended to “turn boys into men.”<sup>98</sup> It signified a Canadian identity through gender, importing Victorian values of development, class, and civilization<sup>99</sup>— values that also steered Canadian Aboriginal law jurisprudence to the detriment of Indigenous rights and sovereignty.<sup>100</sup> Hence, the difference between the Canadian and Haudenosaunee lifeworlds is not one

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<sup>94</sup> *National Sports of Canada Act*, S.C. 1994, c. 16.

<sup>95</sup> Downey, *Creator's Game*, *supra* note 2 at 47.

<sup>96</sup> Downey, “Claiming ‘Our Game’”, *supra* note 2 at 198.

<sup>97</sup> See Judith Butler, “Performative Acts and Gender Constitution: an Essay in Phenomenology and Feminist Theory” (1988) 40:4 *Theatre J* 519 at 519: “gender is in no way a stable identity or locus of agency from which various acts proceed; rather, it is an identity tenuously constituted in time— an identity instituted through a stylized repetition of acts” [Butler, “Performative Acts”]. Original emphasis. See also Downey, “Claiming ‘Our Game’”, *supra* note 2 at en 5.

<sup>98</sup> Downey, “Claiming ‘Our Game’”, *supra* note 2 at 199.

<sup>99</sup> Downey, *Creator's Game*, *supra* note 2 at 47 & 89.

<sup>100</sup> These values are interrelated. Regarding labour, Joshua Nichols explains that aboriginal law jurisprudence has been guided by policies that privilege “labour on private plots” to the denial of Indigenous legal conceptions of ownership: Joshua Nichols, *A Reconciliation without Recollection?: An Investigation of the Foundations of Aboriginal Law in Canada*, (Toronto, Ontario: University of Toronto Press 2020) at 74. Regarding class and notions civilization, see e.g., *R v Syliboy* 1928 CanLII 352 (NS SC) at 316 where Patterson J dismisses the Indigenous claimant by classifying them as an “untutored mind” by virtue of their Indigeneity.

of mere degrees; it is a difference in kind.<sup>101</sup> The modern game reflects this difference.

### *III.b Contact Zones*

The contrast in the meaning of lacrosse between Haudenosaunee and settler lifeworlds created a vast space of possible engagements.<sup>102</sup> Mary Louis Pratt calls such spaces, ‘contact zones’: “social spaces where cultures meet, clash, and grapple with each other, often in contexts of highly asymmetrical relations of power.”<sup>103</sup> They become inter-generative spaces where lifeworlds draw from and impose upon each other.<sup>104</sup> As performative speech-acts, though, they are slanted by the inertia of sociopolitical asymmetries. Their historicity encodes meaning for and from a public that is defined by these very asymmetries.<sup>105</sup> Lacrosse exemplifies this phenomenon.

In the private sphere, Canadian leagues governed the modern game with discriminatory, anti-Indigenous policies. Indigenous players were banned, to varying degrees, from competition.<sup>106</sup> Some instances required permission from the opposing team to play.<sup>107</sup> Other instances made total bans, no exceptions.<sup>108</sup> At the same time, settler businessmen hired Indigenous players to tour in their lacrosse exhibitions.<sup>109</sup> Many Indigenous players found their inclusion empowering as a means of income and control over their representation.<sup>110</sup> However, they remained subject to the white gaze, which projected meaning upon them from the racist presumptions of the Canadian lifeworld.<sup>111</sup> On tour, Indigenous

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<sup>101</sup> Mills, “The Lifeworlds of Law”, *supra* note 4 at 863.

<sup>102</sup> See generally, Richard White, *The middle ground* (United States: Cambridge University Press, 2010).

<sup>103</sup> Mary Louise Pratt, “Arts Contact Zones” (1991) *Modern Language Association* 33 at 34.

<sup>104</sup> *Ibid* at 36.

<sup>105</sup> Judith Butler, “Performative Acts,” *supra* note 97 at 525–527.

<sup>106</sup> Downey, *Creator’s Game*, *supra* note 2 at 57–60.

<sup>107</sup> *Ibid* at 47–48.

<sup>108</sup> Downey, “Claiming ‘Our Game’”, *supra* note 2 at 199.

<sup>109</sup> Downey, *Creator’s Game*, *supra* note 2 at 52.

<sup>110</sup> *Ibid* at 43.

<sup>111</sup> Resembling the double-consciousness that WEB du Bois speaks of regarding

players were pushed to portray tropes of savagery and simplicity.<sup>112</sup> They symbolized colonial rule and reified Indigenous subordination in the Canadian social imaginary.<sup>113</sup>

These asymmetries were not exclusive to the private sphere. Lacrosse became a vehicle for Canada's repression of Indigenous peoples. For example, in 1906, Canada's parliament passed the *Lord's Day Act*, which prohibited non-essential activities on Sundays, including sport businesses.<sup>114</sup> Haudenosaunee communities had long been hosting Sunday games on their reserves despite pre-existing Sunday laws. The weekly games drew in thousands of non-Indigenous spectators, which bolstered the local economy.<sup>115</sup> However, the crowds also attracted the attention of regional Indian Agents, who reported complaints of noise and widespread alcohol consumption.<sup>116</sup> These Agents were mandated by the *Indian Act* to manage the Crown's relationship with these Indigenous communities, though their practical power to enforce federal laws against Indigenous communities was uncertain at the time.<sup>117</sup> Haudenosaunee communities maintained that the Crown

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white recognition of Black Americans, see WEB du Bois, *The Souls of Black Folk* (Gorham: Myers Education Press, 2018) at 38:

Born with a veil, and gifted with second-sight in this American world — a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness — an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.

<sup>112</sup> Downey, *Creator's Game*, *supra* note 2 at 65. See also Oren Lyons recall in *Spirit Game*, *supra* note 1.

<sup>113</sup> Downey, *Creator's Game*, *supra* note 2 at 52.

<sup>114</sup> *Lord's Day Act*, RS 1906, ch 153.

<sup>115</sup> Allan Downey, "playing the Creator's Game on God's Day: The Controversy of Sunday Lacrosse Games in Haudenosaunee Communities, 1916-24" (2015) 49:3 J of Can Studies 111 at 113 & 123 [Downey, "Creator's Game in God's Day"]. A significant portion of the money raised would fund a Haudenosaunee delegation's appeal to the League of Nations for sovereignty. See also Downey, *Creator's Game*, *supra* note 2 at 214.

<sup>116</sup> Downey, "Creator's Game in God's Day," *supra* note 115 at 118.

<sup>117</sup> *Ibid* at 130.

had no jurisdiction because of their treaties and sovereignty.<sup>118</sup> Local settler governments had respected this assertion in order to mitigate community conflicts.<sup>119</sup> So did the RCMP.<sup>120</sup> But, this relationship of respect waned with the increasing consolidation of traditional Haudenosaunee governance, particularly at the Six Nations Grand River reserve. Here, Hereditary Chief Deskaheh coalesced modernist and Christian factions of chiefs who shared growing resentment of the Crown's paternalism.<sup>121</sup> This coalition used Sunday lacrosse earnings to fund lobby efforts for sovereign recognition at the League of Nations.<sup>122</sup> The Department of Indian Affairs swiftly reacted to this newfound power by removing the hereditary leadership on the pretense of illegal Sunday lacrosse games.<sup>123</sup> Lacrosse, framed in the settler lifeworld and weaponized in its social imaginary, was used by the Crown to usurp the very Haudenosaunee governance it traditionally constituted.

In similar fashion, the modern game was deployed in the Canadian residential school assimilationist project. These 'schools,' existing from 1879 to 1996, were empowered by the Canadian federal government to take Indigenous children away from their families and 'civilize' them by "killing the Indian in the child."<sup>124</sup> The policy, as Deputy Minister of Indian Affairs Duncan Campbell Scott advocated, was "to get rid of the Indian Problem.... to continue until there is not a single Indian in Canada that has

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<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid* at 133.

<sup>122</sup> *Ibid* at 113 & 134.

<sup>123</sup> *Ibid* at 134, despite warning from Charles Stewart and Duncan Campbell Scott, lead orchestrators of Canada's assimilationist policies.

<sup>124</sup> Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Winnipeg: Truth and Reconciliation Commission of Canada, 2015) at 47 [TRC]. Quote often (though incorrectly) attributed to Duncan Campbell Scott, deputy superintendent of the Department of Indian Affairs, who engineered the residential school system with the stated intention to "get rid of the Indian problem." See Robert L McDougall, "Duncan Campbell Scott" (2008) online: <<https://www.thecanadianencyclopedia.ca/en/article/duncan-campbell-scott>> [perma.cc/XAC5-9MBH].

not been absorbed into the body politic.”<sup>125</sup> These institutions enabled widespread violence and prohibited children from seeing their families, speaking their languages, and practicing their ceremonies.<sup>126</sup> Effectively, residential schools displaced Indigenous children from their lifeworld and forced their assimilation into the settler lifeworld.<sup>127</sup>

The use of lacrosse in residential schools highlights a nuanced point about the modern game. Before sports were included in official residential school policy in 1949, school administrators across the country had already integrated lacrosse into assimilation programming.<sup>128</sup> Residential schools were applying lacrosse to induce assimilation *without government directive*. This illustrates how pervasively lacrosse was appropriated in the Canadian social imaginary.<sup>129</sup> More than being ‘Canada’s game,’ lacrosse was commonly understood as contrary to Indigeneity. To the disregard of Haudenosaunee roots, the modern game was so strongly internalized in the Canadian social imaginary that it was prescribed as an instrument of assimilation.<sup>130</sup> The game was meant to discipline children into internalizing “Western Muscular Christian ideas about progress, civility, morality, gender, and, of course, nationalism.”<sup>131</sup> Here, lacrosse was used to compel Indigenous children into abandoning their Indigenous lifeworlds.

In summary, this section has shown how settlers appropriated lacrosse from its Haudenosaunee origin to construct the Canadian social imaginary. In this appropriation, lacrosse was no longer a speech-act that referred to meaning in the Haudenosaunee legal

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<sup>125</sup> Evidence of DC Scott to the Special Committee of the House of Commons Examining the Indian Act Amendments of 1920, cited in Treaties and Historical Research Centre, *The Historical Development of the Indian Act* (np: PRE Group, Indian and Northern Affairs, 1978) at 114.

<sup>126</sup> Over 150,000 Indigenous children were taken from their homes and subject to conditions of neglect, as well as physical and sexual abuse in residential schools. Evidence demonstrates that thousands of these children died while at residential school, though the count continues to increase with further investigation: see generally TRC, *supra* note 124.

<sup>127</sup> See Sákéj Henderson, “Postcolonial Legal Consciousness” (2002) 1 Indigenous LJ 1 at 18.

<sup>128</sup> Downey, *Creator’s Game*, *supra* note 2 at 87–88 & 98.

<sup>129</sup> *Ibid* at 87.

<sup>130</sup> *Ibid* at 98–102.

<sup>131</sup> *Ibid* at 89.

order. Lacrosse became a sport of the New World, not of cosmological creation nor the British empire at large. It became ‘Canada’s game.’ With this appropriation, lacrosse became a contact zone where asymmetrical socio-political power would reign to the exclusion, repression, and assimilation of Indigenous peoples— to the detriment of their lifeworlds and constitutional orders there from.

#### IV. LACROSSE AS INDIGENOUS RESURGENCE

Although the modern game was applied by settlers to the detriment of Indigenous lifeworlds, it is not inherently contrary to them. Rather, Subsection IV.a suggests that embodiment enables Haudenosaunee players to counter the modern game’s appropriation. While the modern game is not the same as the Creator’s Game or the Medicine Game, Haudenosaunee players are able to situate it within their lifeworld to give it meaning. In doing so, the modern game serves to revitalize the relationality that binds the Haudenosaunee constitutional order together. This is an act of resurgence; it is a turn away from the settler lifeworld, towards strengthening Indigenous ways of knowing and being. In this way, lacrosse does not merely aspire for recognition, which is Other-regarding. Playing the modern game is a resurgent act. It is self-regarding, reinforcing its constitutional order on its own terms.

##### *IV.a Resurgence as Embodiment*

Despite the prevalence of asymmetrical socio-political power, its inert force is not totally determinative of meaning. The individual lacrosse player still informs the meaning of their speech-acts. As Judith Butler emphasized,

performative act [...] is not a radical choice or the project that reflects a merely individual choice, but neither is it imposed or inscribed upon the individual, as some post-structuralist displacement of the subject would contend.<sup>132</sup>

Its meaning is intersubjective and exists within a negotiated construction between individuals and circumstance. So, for example, while touring Indigenous players ‘played the Indian’ at exhibitions for settler crowds, they also occupied this space of

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<sup>132</sup> Butler, “Performative Acts”, *supra* note 97 at 526.



meaning-making as *Indigenous players* within lacrosse's contact zone— they emanate meaning by embodying the Haudenosaunee lifeworld *through their intentionality*.

There is power to intentionality within the contact zone. More than symbolic function, intentionality actively defines the space it occupies.<sup>133</sup> Jeffrey Paul Ansloos explains that the intentionality of such performances “inevitably and provocatively reshapes the non-Indigenous colonial environment as a political context of asserting Indigenous identity.”<sup>134</sup> Thus, the contact zone is not a detached phenomenon nor is it predetermined in historicity. It is reflexive to its occupants. So, while Indigenous peoples are disadvantaged against Canadian socio-political asymmetry in the public at large, their persistent intentionality in playing lacrosse enables them to continue to define the contact zone on their own terms. Indigenous lacrosse playing— even the modern game— becomes an act of Indigenous resurgence.<sup>135</sup>

Indigenous resurgence is a maneuver within the politics of refusal. Rather than seeking the recognition of another body politic, such as that of Canadians, refusal is a turn away.<sup>136</sup>

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<sup>133</sup> Jeffrey Paul Ansloos, *The Medicine of Peace: Indigenous Youth Decolonizing Healing and Resisting Violence* (Halifax: Fernwood Publishing, 2017) at ch 4.

<sup>134</sup> *Ibid* at 79.

<sup>135</sup> Jeffrey Corn tassel, “Re-envisioning resurgence: Indigenous pathways to decolonization and sustainable self-determination” (2012) 1:1 *Decolonization: Indigeneity, Education & Society* 86 at 97 describes the function of resurgence, emphasis added:

resurgence facilitate[s] a renewal of our roles and responsibilities as Indigenous peoples to the sustainable praxis of Indigenous livelihoods, food security, community governance, and relationships to the natural world and ceremonial life that *enables the transmission of these cultural practices to future generations*.

<sup>136</sup> Leandra Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 245 [L Simpson, *As We Have Always Done*]. In this sense, it is contrary to schismogenesis, which is a society's defining of itself *against* another society and thus a relative act that involves recognition. In contrast, resurgence is a society's defining of self, irrespective of another— it's a focus is authenticity. See David Graeber & David Wengrow, *The Dawn of Everything: a New History of Humanity* (Toronto: Signal, 2021) at 48–59 regarding schismogenesis.

Resurgence turns inward, to the embodied lifeworld.<sup>137</sup> Haudenosaunee scholar Taiaiake Alfred describes a concentric model that helps explain the dynamics of such intentionality:

there exists a stable core which forms the basis of the political culture and nationalist ideology. There are also peripheral elements within the culture which are malleable and which do shift and transform, rise and fall in importance and relevance according to shifts in the political context and according to the exigencies of the general political and economic climate.<sup>138</sup>

Understood within Mills' rooted constitutionalism framework, resurgent action is directed from the roots of one's constitutional order. As such, it radiates "generative refusal" — it grounds in and strengthens foundational relationality within the Indigenous lifeworld, while also dynamically adapting at its periphery.<sup>139</sup> The

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<sup>137</sup> L Simpson, *As We Have Always Done*, *supra* note 136 at 245. See also Jeff Corn tassel, describe "turning away from the state in order to engage more fully with the complex interrelationships" in "The Art of Reclaiming, Renaming, and Reoccupying: Inspiring Everyday Acts of Resurgence" (2022) 1:1 Rooted 26 at 30.

<sup>138</sup> Taiaiake Alfred, *Heeding the Voices of Our Ancestors: Kahnawake Mohawk Politics and the Rise of Native Nationalism* (Toronto, Oxford University Press, 1995) [Alfred, *Heeding the Voices of Our Ancestors*] at 188, emphasis added. John Borrows warns of conflating tradition with static nature, in *Canada's Indigenous Constitution*, *supra* note 5 at 8: "traditions can be destructive if they become static and frozen in their orientation, interpretation, and application." Borrows adds, at 25:

[legal orders] adapt to changing circumstances in accordance with the needs and priorities of their members and in response to external pressures. Tradition is not abandoned as new ways are introduced. In fact, it is renewed as it combines with vibrant healthy influences from other worthy sources.

<sup>139</sup> L Simpson, *As We Have Always Done*, *supra* note 136 at 178 & 212. Recall the dynamic of leaves within Aaron Mills' framework of rooted constitutionalism, which are metaphor for substantive laws that fall and regrow differently: see Aaron Mills, "Rooted Constitutionalism", *supra* note 8 at 57.

For e.g. of this adaptiveness, recall *supra* note 68 which explains how traditional beliefs have historically prevented women from playing lacrosse. This has been a matter of controversy, with traditionalism, feminism, and colonialism causing tension at the core of the Haudenosaunee legal order. In response to this tension, women have increasingly begun to play the 'modern game,' distinguishing it from the Medicine Game. It can be a medicine for women players, but this is not the Medicine Game. On one hand, this reflects adaptation on the intent imbued in the speech-act of

intentionality of Haudenosaunee players defines the meaning of lacrosse within the contact zone and anchors it within their constitutional order.

The modern game of lacrosse is an example of such resurgence. It is not often played with wooden sticks, which would harness *orenda*. Nor does it make a *prima facie* appeal to medicine nor the Creator since it is sport, not ceremony. However, Haudenosaunee players are able to connect modern lacrosse to the core of their lifeworld by adapting the performativity at the periphery. The game looks different than it did before settler contact. Its prescribed objectives (per its rules) are also different. But the intentionality of the speech-act is retained in the adaptivity of resurgence. That is why Haudenosaunee players will still call the modern game ‘medicine’ or the ‘Creator’s Game’ despite its appropriated original framing in the Canadian lifeworld.<sup>140</sup> These ceremonial associations are bolstered, as observed when the Haudenosaunee Nationals team supplements lacrosse-playing by ‘massaging Mother Earth’ with a traditional march as they enter the sport fields and by reciting thanks-giving before the game instead of an anthem. They continue to adhere to the Creator’s *Original Instructions*. They do not claim that the modern game is its originary Medicine Game or Creator’s Game; the modern game has been *reclaimed* through intentional acts of resurgence. For Haudenosaunee players, intentional participation in the modern game can anchor it into its lifeworld where it recites and (re)generates constitutional meaning.

#### IV.b Resurgence as (Re)generated Relationality

Resurgence does not stop at the individual and their acts. Individual bodies are the nodes of the networks that constitute

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playing the modern game— a shift at the periphery of the Haudenosaunee lifeworld. On the other hand, it is also justified within the internal logic at the core of the Haudenosaunee lifeworld; the modern game is not played with wooden sticks so women do not need to worry about their powers confronting the stick’s *orenda*. See Bassett, *Haudenosaunee Women Lacrosse Players*, *supra* note 68 at 58.

<sup>140</sup> *Spirit Game*, *supra* note 1: see Iroquois Nationals players Brett Bucktooth and Taylor Smoke.

Indigenous political orders.<sup>141</sup> Resurgence strengthens each node, which emanates a continuous (re)generation of the network itself.<sup>142</sup> Thus, resurgence revitalizes the political body too. For example, the *Indian Act* decimated Indigenous culture and governance during the 1900s. However, lacrosse created a space for Indigenous role models to inspire resilient personal associations to Indigenous languages, traditions, and identities.<sup>143</sup> This same dynamic exists today with Indigenous star players, like the Thompson brothers, who have achieved mainstream stardom. For example, during a 2019 professional game, the emcee announced to the crowd, “snip the ponytail!” and proceeded to initiate “scalp him” chants against Lyle Thompson.<sup>144</sup> In response, the Thompson brothers began the #BackTheBraid campaign to raise awareness of Indigenous identities, explaining the sacredness of Haudenosaunee braids – hair has spiritual essence that is central to being a “Real Person,” *Oṅwehoñwe’*, within the Haudenosaunee constitutional order.<sup>145</sup> Since the campaign, there has been an observable influx of Indigenous youth players wearing braids, and this only speaks to a single instance of how the Thompson brothers have inspired Indigenous youth.<sup>146</sup> Indigenous resurgence in lacrosse cascades in to a stronger and more pervasively shared connection among individuals to their lifeworlds.<sup>147</sup>

These cascades compound to re-constitute the relationality of Indigenous political orders. For example, in the early 1900s, many Haudenosaunee people did not have the means to travel regularly to other communities of the Confederacy.<sup>148</sup> This could have

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<sup>141</sup> L Simpson, *As We Have Always Done*, *supra* note 136 at 117.

<sup>142</sup> *Ibid.*

<sup>143</sup> Downey, *Creator’s Game*, *supra* note 2 at 179.

<sup>144</sup> Danny Kerslake, “Lacrosse pros the Thompson brothers #BackTheBraid to stand up for Indigenous culture” (2019) online (news): <<https://www.cbc.ca/news/canada/saskatoon/lacrosse-thompson-brother-braid-indigenous-culture-1.5079859>> [perma.cc/S37M-G6B2].

<sup>145</sup> *Ibid.*

<sup>146</sup> Alex Cirino, “Lacrosse pro Lyle Thompson’s growth into an influence for Indigenous people” (2022) online (news): <<https://dailyorange.com/2022/04/lacrosse-pro-lyle-thompson-growth-into-influence-indigenous-people/>> [perma.cc/LBG9-KJ3C].

<sup>147</sup> L Simpson, *As We Have Always Done*, *supra* note 136 at 212.

<sup>148</sup> Downey, *Creator’s Game*, *supra* note 2 at 180–182.

fractured the interdependent political responsibilities of clans and nations in the Confederacy. As Taiaiake Alfred explains, “[Haudenosaunee] democracy has two main features: consensual decision-making, and participatory political process.”<sup>149</sup> These political protocols were given to the Messenger by the Creator and enacted at the founding of the Confederacy.<sup>150</sup> However, the reality of community isolation during the early 1900s obstructed the effective functioning of these Haudenosaunee political protocols. Yet, in the face of this disruption, a variation of the modern game (i.e., box lacrosse) revitalized relationality between Haudenosaunee communities.<sup>151</sup> Box lacrosse enabled Haudenosaunee lacrosse players to see each other more frequently as teams that represented their respective communities, resembling informal delegations.<sup>152</sup> Resurgence through lacrosse strengthened Haudenosaunee inter-community relationships and, through them, the Confederacy’s political structure.

Resurgence builds from the core of the embodied individual and out to the political. And still resurgence goes beyond one’s political community, into what Leanne Simpson calls “constellations of co-resistance”:

[networks, or constellations, emerge when] we start to link up with other individuals and communities engaged in everyday acts of resurgence by refusing the divisions of colonial spatialities.<sup>153</sup>

She adds that,

[r]esurgence cannot occur in isolation. A collective conversation and mobilization is critical to avoid reproducing the individualism and colonial isolation that settler colonialism fosters.<sup>154</sup>

Indigenous resurgence thus constitutes relationality *between distinct peoples*.<sup>155</sup> Lacrosse has connected the Haudenosaunee to

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<sup>149</sup> Alfred, *Heeding the Voices of Our Ancestors*, *supra* note 138 at 78.

<sup>150</sup> See Borrows, *Canada’s Indigenous Constitution*, *supra* note 5 at 74–75.

<sup>151</sup> Downey, *Creator’s Game*, *supra* note 2 at 180.

<sup>152</sup> Downey explains that despite re-connecting, these communities were not immune from traditional rivalries: see *ibid* at 183.

<sup>153</sup> L Simpson, *As We Have Always Done*, *supra* note 136 at 197.

<sup>154</sup> *Ibid* at 199.

<sup>155</sup> It’s a practice that dated back to Pontiac and Tkamse, who traveled widely in delegations to build trust between different peoples: See Leanne

Indigenous communities across the globe.<sup>156</sup> Their relationship to the Skwxú7mesh exemplifies this dynamic. The Skwxú7mesh had their own version of lacrosse but lost connection to it during colonization.<sup>157</sup> The modern version of the Haudenosaunee game was introduced to their youth at residential schools and, while the intent of residential schools was assimilation, the Skwxú7mesh co-opted the game with a sense of pan-Indigenous identification.<sup>158</sup> They took the game beyond settler conceptions of recreation and competition; the Skwxú7mesh re-integrated lacrosse into their own lifeworld. For example, they explain their co-option of the game through the “Legend of Progress,” which warns against refusal to adapt, resembling the dynamic essence of being in Taiaiake Alfred’s concentric model.<sup>159</sup> The Haudenosaunee game helped (re)generate the Skwxú7mesh lifeworld.

By the 1930s, West Coast Indigenous players were more open with their identities, while Haudenosaunee identities remained repressed.<sup>160</sup> Skwxú7mesh teams attracted Haudenosaunee ‘import’ players to join their teams on the other side of the continent. In joining the Skwxú7mesh teams, they developed a deeper relationality with their Skwxú7mesh teammates, exchanging their cultures and languages.<sup>161</sup> As Allan Downey aptly highlights,

a game appropriated by non-Natives and introduced to the Skwxú7mesh in residential schools as a way to eliminate their language, culture, and identities became a public performance of defiance, unification, regeneration, and nationhood.<sup>162</sup>

Lacrosse became an act of resurgence that sparked a constellation of co-resistance between the Haudenosaunee and Skwxú7mesh

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Betasamosake Simpson in “Idle No More and Black Lives Matter: An Exchange,” (2018) 12:1 *Studies in Social Justice* 75 at 78 & 80.

<sup>156</sup> For e.g., as far as New Zealand, see LaxDOTCom, “New Zealand’s Haka | Lax.com 2014 World Highlight Download” (2014) online (video): <<https://www.youtube.com/watch?v=IMivNdyUjrg&t=2s>> [perma.cc/E77A-CXXE].

<sup>157</sup> Downey, “Claiming ‘Our Game’,” *supra* note 2 at 198.

<sup>158</sup> Downey, *Creator’s Game*, *supra* note 2 at 117.

<sup>159</sup> Downey, “Claiming ‘Our Game’,” *supra* note 2 at 202.

<sup>160</sup> *Ibid* at 206.

<sup>161</sup> *Ibid* at 209–210.

<sup>162</sup> *Ibid* at 210.

peoples. This resurgence enabled mutual reinforcement and development of their respective lifeworlds. In this solidarity, the Haudenosaunee were also acting according to *Kayanerenkó:wa*, which invites harmonious relations with other peoples under the Tree of Peace.<sup>163</sup> This sprawling relationality thus reflects Haudenosaunee legality in practice, generated from its revitalized constitutional order.

This section has shown how embodied resurgence refuses to participate in the asymmetries of recognition. Rather, resurgence turns inwards. It begins by strengthening individual association to the core of their lifeworld while dynamically adapting its periphery. This strengthening spills onto other individuals. Further, it cascades into relationality that reconstitutes the bonds of one's political body. Resurgence also expands relationality into the constitutional orders of other peoples, igniting constellations of co-resistance. Understood within Haudenosaunee constitutionalism, these constellations are extensions of *Kayanerenkó:wa* in practice. Hence, even the modern game performs resurgence, from the individual to the constellation of co-resistance. All along, lacrosse has generatively woven Haudenosaunee meaning into a dynamic tapestry of relationality that is and becomes its lifeworld and the constitutional order therefrom.

## V. CONCLUSION

As I drafted this article, the 2028 Los Angeles Olympic Committee announced that lacrosse would return to the Olympic games for the first time in over 100 years.<sup>164</sup> It will be on a stage

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<sup>163</sup> Gregory Schaaf, "From the Great Law of Peace to the Constitution of the United States: A Revision of America's Democratic Roots" (1988) 14:2 American Indian L R 323 [Schaaf, "From the Great Law of Peace to the Constitution of the United States"] at 331:

Great Law of Peace insured: "If any man [or woman] or any nation outside the Five nations shall obey the laws of the Great Peace ... they may trace the [white] Roots... and ... shall be welcomed to take shelter beneath the Tree [of Peace]."

This law is codified in the *Hiawatha wampum belt*, where the white path, which connects between the Five Nations, also extends beyond the nations to both edges of the belt to signify the white roots inviting peaceful and harmonious relation with other peoples beyond the Confederacy.

<sup>164</sup> LA28, "LA28's Game-Changing Olympic Sports Lineup is

like never before, recognized by the nations of the world and their masses. Its reach will be international. However, many lacrosse fans anxiously await further news: will the Haudenosaunee Nationals be allowed to play their game on its biggest stage? Their absence would be felt. And lamentable. Not only because they consistently field one of the top national teams. But also because it would be a failure to recognize Haudenosaunee existence.

It would be a refusal against Haudenosaunee constitutionalism, denying them the opportunity to occupy and define one of the largest contact zones known to sport. Without Haudenosaunee participation, lacrosse would be appropriated and detached from its originary lifeworld, echoing Canada's assimilationist history—though with the collective weight of the international community behind it. Repression goes beyond the politics of recognition to actively destabilize meaning rooted in the Haudenosaunee lifeworld.<sup>165</sup> It incites Haudenosaunee erasure.<sup>166</sup>

Conversely, the inclusion of a Haudenosaunee Olympic lacrosse team would expand space for Haudenosaunee constitutionalism, enabling players to practice thanks-giving, maintain a good mind, re-enact the Creator's constitutional authority, appeal to Hadoui's medicine, and re-constitute their socio-political order. In doing so, the Haudenosaunee Nationals would extend resurgent practice, inspiring individual association to Haudenosaunee identity, meaning, relationality, and responsibilities derived from the roots of their lifeworld. In turn, Olympic inclusion would also ignite the (re)generation of legal meaning while further connecting constellations of co-resistance with greater reach, forming relationality with people across the world— sharing what it means to 'live in a good way,' on the path

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#LA28BOUND" (2023) online (blog):  
[https://la28.org/content/latwentyeight/en/newsroom/LA28\\_Olympic\\_Sport\\_Program.html](https://la28.org/content/latwentyeight/en/newsroom/LA28_Olympic_Sport_Program.html) [perma.cc/48Y6-DNL].

<sup>165</sup> Without this foundation, recognition is moot. You cannot recognize what does not exist. This is why resurgence matters, irrespective of recognition.

<sup>166</sup> As Audra Simpson reminds us in *Mohawk Interruptus: Political Life Across The Borders of Settler States* (Durham and London: Duke University Press, 2014) at 183:

Lacrosse becomes a sign of radically contemporary failure to remember the past, to honor those treaties by the present UK.



of peace.<sup>167</sup> A Haudenosaunee Olympic lacrosse team would be resurgence *of the spirit* of the game.

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<sup>167</sup> Williams, *Kayanerenkó:wa*, *supra* note 19 at 237. Recall Schaaf's quote above, regarding the Great Law of Peace's welcome of those who live in a good way, according to Haudenosaunee constitutionalism: Schaaf, Schaaf, "From the Great Law of Peace to the Constitution of the United States", *supra* note 162 at 331.