**The dark side of Navajo traditionalism**

*Language laws exclude more than just presidential candidates*

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The elections this week for the Navajo Nation, the largest Native American nation in the United States, are in crisis over debate about whether a presidential candidate must be fluent in Navajo. But the dispute goes far beyond language requirements and gets to the heart of a growing mood of socially conservative approaches to identity and cultural maintenance that has been the mainstay of Navajo politics for more than 20 years.

On Oct. 23, the Navajo Supreme Court [decided to postpone](http://www.latimes.com/nation/nationnow/la-pn-navajo-presidential-election-delayed-20141023-story.html) the nation’s presidential election and have new ballots made without the name of candidate Chris Deschene, who was disqualified because he was found to be a non-native speaker. As the court wrote: “This is a matter of our sovereign right to exist as a Nation with its own language. Our sacred language defines us as individuals and as a Nation.”

On Oct. 28, the tribe’s president Ben Shelly vetoed a last minute effort from the Navajo Nation Council to amend fluency requirements and keep Deschene on the ballot, claiming changes to the fluency law must “go back to the people” in the form of a referendum vote for approval. Interestingly, the legislation Shelly vetoed kept fluency requirements intact, but added that “the people” (i.e. voters) determine Navajo fluency. Three days later, the Navajo Supreme Court [found](http://www.azcentral.com/story/news/local/arizona/2014/10/31/navajo-presidential-election-postponed-board-contempt/18279763/) the Board of Election Supervisors in contempt and reaffirmed the postponement of the presidential election until new ballots without Deschene's name could be created.

The implications of the court's approach are narrowing opportunities for younger Navajos to engage in Navajo politics. Although the court ruled in the context of requirements to run for president, language fluency requirements are replete throughout tribal law and exist for virtually every electable position in the Navajo Nation.

Deschene, a former representative in the Arizona legislature with a degree in law, advanced to the final round of elections in early August despite his lack of fluency. His candidacy has caused a passionate debate on the importance of the Navajo language in public life. Many in the Navajo Nation are asking whether or not it is reasonable to require elected officials to speak the language fluently.

**Era of self-determination**

This language debate is part of a larger generational discussion about Navajo identity and self-determination that has been ongoing at least since the Navajo Nation Council restructured the tribal government in 1990 following considerable allegations of abuse of power. The reform was accomplished by an older generation of political leadership who grew up speaking Navajo at home, but who also benefited from new educational opportunities in colleges and universities following a changed mood toward Native American populations after the social revolutions of the 1960s.

**The Navajo Nation is legislating culture, which is not the same as sustaining it.**

Scholars refer to this period in American Indian history as an “era of self-determination.” This new breed of tribal leadership took over their political institutions from the federal government, but at a time of profound change for tribal nations. These tribal leaders, many who were trained in law, addressed social and cultural challenges with legal remedies that in effect narrowed the boundaries of tradition, language and identity.

The move to codify traditional “laws” into statutory ones was a response to profound changes happening across Navajo society at the time, driven by its integration into U.S. society. It came at a time when Navajo children were growing up primarily speaking English. As a result, today most young Navajos under 30 years-of-age and a significant number under 40, as with Deschene, speak English as their primary language.

Aside from language, intermarriage is challenging notions of “blood” and heredity; gay coupling is challenging heteronormativity; and probably most profoundly the majority of Navajos are living outside of the reservation are challenging traditional ideas of identity and place.

In 2003, the Navajo Nation Council passed the fundamental laws of the Diné in 2003 to address declining understanding of language and culture among the young. The laws codified traditional values thought to be fundamental to Navajo people. Their passage was lauded at the time as a new source of tribal sovereignty. But since this time the tribal court system has used these laws to redefine understandings of traditional practices in ways that have proven discriminatory. The Deschene case is just one example of this trend.

**Exclusionary conservatism**

In this era of self-determination, legislation has been introduced and debated on many hot button issues, such as the degree of “blood quantum” needed for tribal membership in 2004 and gay marriage in 2005, that are focused more on exclusion than on sustaining Navajo culture. The product is a limited vision tribal sovereignty that is narrowly practiced as a mechanism for cultural enforcement.

These larger issues have been ignored in the debate generated by Deschene’s disqualification. Instead, his opponents and those who are calling for strict enforcement of the language law blame young Navajos for their language “deficiencies.”

This narrowing approach to cultural continuity is not only discriminatory but it also possibly discourages an entire generation of Navajos who had no choice of what language they learned as infants from participating in their community’s social and political life.

If we want the Navajo language to survive, which is a goal of all actors involved, we need to focus on infants, not politicians. The future of the Navajo language depends on whether or not children today learn it as a first language and not whether or not presidential candidates can speak it to a test. We need both to remove fluency requirements from the tribal laws and to encourage a new framework for inculcating and sustaining Navajo language and culture.

In short, the Navajo Nation is legislating culture, which is not the same as sustaining it. Being Navajo is not necessarily about knowing the language fluently, as the Supreme Court wrote. Language is not our entire identity and should not be used as a criterion to disqualify someone from even running for a political position if enough people support that candidate.

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