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A Companion to the Anthropology of American Indians

Edited by Thomas Biolsi

A Companion to
the Anthropology
of American Indians

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Edited by Thomas Biolsi

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To Vine Deloria, Jr., with great esteem for critical scholarship and intellectual presence, reflected in the pages of this book.



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Synopsis of Contents

Part I: Environments and Populations

1 Political and Historical Ecologies

Kenneth M. Ames

This chapter takes a broad view of the historical ecology of Native American societies, examining the ways that native peoples have both responded to and altered their environments and landscapes throughout history, and the ways that an ecological focus on the history of native landscapes can give us a fresh approach to modern reservation environmental, demographic, and health issues. The author suggestively anticipates a political ecology of Native America that, rooted in historical ecology, would examine power relations mediated by environmental and economic forces.

2 Historical Demography

Russell Thornton

The native population of North America prior to European contact was 7 million. This chapter traces the post-contact disease and ecological processes by which this figure was reduced to less than 400,000 by 1900 (a reduction of 94 percent). It also examines the processes by which the native North American population has rebounded to 3.5 million at present. The chapter also describes intermarriage with non-Indians and formal certification of native identity in the present.

Part II: Political, Social, and Economic Organization

3 Women and Men

Martha C. Knack

This chapter examines relations between women and men in native societies from before contact to the present, surveying the major theories on the subject. Particular

attention is given to how social structure (for example, matrilineal and matrilocal organization), economic organization (for example, who controls the distribution of goods), politics (for example, processes of group decision-making), and religion affect the degree of equality between the sexes. Also considered is the variety of effects that the larger Euro-American context has had historically and in the present upon the relative status of native women and men.

4 Politics

Loretta Fowler

This chapter considers the history of anthropological knowledge of Native American political organization, or how leaders are chosen, decisions made, disputes settled, and other matters regarding social power addressed. While we have some knowledge of pre-reservation politics, most political anthropology of Native Americans concerns the reservation period and is concerned with how to understand both continuity and change in native politics. How, for example, are native political systems reproduced and/or transformed in the face of such external forces as the Bureau of Indian Affairs, the Indian Reorganization Act of 1934, the Alaska Native Claims Settlement Act of 1971, and the Indian Self-Determination Act of 1875?

5 Tribal or Native Law

Bruce Granville Miller

Indigenous law concerned itself not so much with “crime” (which may have no direct translation in native languages or societies) but with addressing disputes between individuals and groups, with repairing “tears in the social fabric.” The struggle of contemporary native societies in the legal realm is to construct tribal codes and judicial systems that blend ancient and contemporary concepts and practices in workable arrangements that allow a judicious balancing of community interests. Concepts of – and struggles over – native tradition, the spirituality of law, peacemaker courts, separation of powers, and the neutrality or social embeddedness of tribal judges, are all part of the complex process of making tribal justice in the present.

6 Culture and Reservation Economies

Kathleen Pickering

There is no question that contemporary Indian people live in an economic world subject to global forces that reshaped their communities in fundamental ways, and “incorporated” them into capitalism. But it is also fruitful to examine how tribal communities have persisted as communities and adapted to capitalism in “deeply indigenous, cultural terms.” This chapter considers how native values and practices such as generosity and kinship, household strategies and microenterprise, commitment to tribal sovereignty and other communal goods, shape reservation economies along with the more purely “economic” forces of the market.

Part III: Knowledge and Expressive Culture

7 Knowledge Systems

Eugene S. Hunn

Anthropologists have long concerned themselves with whether indigenous systems of knowledge culturally shape perception of reality, or whether a more or less objective and pan-human perception of reality shapes indigenous knowledge. This chapter shows the subtle and complex ways in which native experience with the environment is developed into complex systems of ethnobiology and ethnogeography which reflect both the basic structure of the natural world (remarkably mirroring the Linnaean system) and the particular uses and values imposed by native peoples upon their worlds in particular native traditions.

8 Oral Traditions

Rodney Frey

Myth has long been of interest to anthropologists for what it can tell us about Native American worldviews. This chapter considers the subject by putting myth into proper context: by examining the concrete forms of storytelling (and listening) that make up the ongoing oral traditions of native peoples. Mythical figures such as Salmon, Coyote, Raven, and others are described in stories, and the language itself is understood to be powerful and generative, to be world-making. At the same time, the listeners are encouraged to imagine the landscape shaped by these figures, to travel with them in time and space. In the process of speaking and listening, the stories themselves convey critical lessons, reinvigorate native peoplehood, and ultimately make the world itself.

9 Religion

Raymond Bucko

Religion in traditional native contexts is interwoven with, and cannot be separated from, other dimensions of native social life. This chapter examines the range of native religious belief and ritual in aboriginal life, the ways in which Christianity has been assimilated into native societies, the kinds of approaches that anthropologists have used to study native religion, the critical role of religion in contemporary native identities, and the ethical responsibilities thus inhering to anthropologists or others who would study native religion.

10 Music

Luke Eric Lassiter

The anthropological study of native music starts with the premise that “music emerges in its cultural contexts.” It is the community-based meanings of music that are critical. The chapter demonstrates this research agenda by considering the case of Kiowa (Christian) hymns. Among the lessons drawn are the importance of music as a vehicle for the continuity of Kiowa language and culture, the importance of native discourse *about music* in the cultural context of music, and the remarkable

openness of native music to innovations drawn from non-native contexts, while still remaining distinctively native.

11 Art

Rebecca J. Dobkins

This chapter demonstrates how an anthropological approach to native art can never be complete with only an aesthetic perspective, but must attend to the sociocultural and the political contexts in which art is produced, circulated, and consumed. This is true of “traditional” art in “aboriginal” contexts, of native art collected during the “Museum Age” at the height of American empire, and of our present, “postcolonial” moment of repatriation, collaboration, and tribalization of collections. The chapter considers the kinds of questions that anthropologists pose of art and its contexts in these historical periods, and suggests some answers.

Part IV: Colonialism, Native Sovereignty, Law, and Policy

12 Political and Legal Status (“Lower 48” States)

Thomas Biolsi

This chapter surveys the status of Indian tribes under federal Indian law. It summarizes the history of Indian law since the first Indian treaty executed with the U.S., and lays out the basic areas in which tribes may exercise governing powers drawn from their inherent sovereignty, and free from federal and state interference. Also considered are the gray and contested areas where federal Indian law is still very much in the making.

13 Political and Legal Status of Alaska Natives

Caroline L. Brown

Native Alaskans have experienced a legal and political history very different from that of native people in the “lower 48” states. Under the Alaska Native Claims Settlement Act, 13 native regional corporations and 200 native village corporations have been established, and these entities hold land and other assets as corporate property owned by the native corporate shareholders. But along with the native corporations are 75 tribal governments organized under the Indian Reorganization Act, as well as 150 traditional village councils recognized by the federal government. This makes for a remarkably complex legal and political landscape.

14 Federal Indian Policy and Anthropology

George Pierre Castile

American anthropology founded itself on the study of American Indians, and the U.S. government established a federal agency in 1879, the Bureau of American Ethnology, to study Indians. Thus one might expect that the discipline has had a long history of influencing federal Indian policy. This chapter shows, however, the marginal role that anthropology has had in Indian policy, and explains how its influence has been “limited and diffuse,” largely because of its focus on native pasts rather than native futures.

15 Contemporary Globalization and Tribal Sovereignty

Randel D. Hanson

Much thinking about the rights to sovereignty by native peoples takes place in a conceptual vacuum: reservation communities are often analyzed as localities in isolation from political and economic forces at other geographical scales. This chapter shows how attention to the global scale gives us key insights into contemporary tribal sovereignty. Political globalization (for example, in international notions of human rights) has both energized and enabled advances in the struggle for self-determination on the part of Indian peoples. Economic globalization has, however, presented tribal governments with an increasingly omnipotent neo-liberal framework of “free market” forces that often confronts them with difficult choices regarding reservation “development.”

16 Treaty Rights

Larry Nesper

Treaties are a critical consideration in the political thinking and the exercise of rights by contemporary American Indian peoples. But treaties cannot be understood as simply Western legal documents to be interpreted by professional lawyers and enforced by federal courts. This chapter examines the anthropology of treaties, involving both the history of treaty-making and treaty interpretation, and the meaning of treaties from the standpoints of contemporary native peoples. How have native peoples used treaties as “constitutions,” in making new social relationships, and even new “peoples”?

17 Education

Alice Littlefield

Education is one of the key sites in the long history of colonizing Native Americans, and of the struggle against colonialism. This chapter considers Indian education in broad terms, beginning with indigenous child life, but focusing on the study of Indian schools in colonial and postcolonial projects – from the boarding school to the contemporary Indian-controlled local school. Of particular significance here is the politics of native identity, and the dialectic of domination and resistance in the institution of the school.

Part V: Cultural Politics and the Colonial Situation

18 Representational Practices

Pauline Turner Strong

The images held by non-Indians of Indian people are a crucial issue in both scholarship and politics. This chapter examines anthropology’s role as the “image-maker” that has historically specialized in the study of the “primitive.” But while this still haunts the discipline, anthropology has also developed a powerful critical analysis of images of native peoples, both those produced by the discipline itself (as well as other academic fields), and those circulating in public culture.

19 The Politics of Native Culture

Kirk Dombrowski

Native people in the United States reside in a specific political-economic and political-legal niche that critically differentiates them from non-Indians: claims to land-based resources that are rooted in related claims to distinct native cultures. It is cultural difference from the mainstream that serves to justify indigenous rights, but this is by no means an inevitable basis for claiming rights, and has readily apparent “normalizing” effects upon native ways of living and thinking. Using an example from Alaska, this chapter considers how the necessity that an Indian people “have” a (distinct) culture affects their relationships to their own communities, histories, and futures.

20 Cultural Appropriation

Tressa Berman

What may seem to non-Indians like innocent “borrowing” of native culture can amount to forms of taking not fundamentally different from theft in the view of Indian people. This chapter considers the appropriation of native material and intellectual culture by museums, the “free market” and “public domain,” courts, and other institutions of colonial power. Also examined and critically evaluated are a range of remedies used or considered by native peoples, including copyright, trademark, and creative re-appropriation.

21 Community Healing and Cultural Citizenship

Renya K. Ramirez

Native communities – both on reservations and in urban settings – increasingly identify healing as a political as well as therapeutic response to colonialism and racism; the personal is increasingly recognized as political in Indian communities. This chapter examines three contexts of urban Indian healing, all of which serve to develop the cultural citizenship of Indian people. This refers to the process by which native people assert their cultural difference from the mainstream, while also claiming their membership in the larger national community *as native people*. Cultural citizenship is a supplement to indigenous sovereignty, but not a form of assimilation, integration, or acculturation.

22 Native Hawaiians

Cari Costanzo Kapur

While Native Hawaiians are not “Native Americans” or “American Indians,” they are an indigenous people whose struggle for sovereignty in the present in some ways parallels that of native peoples in the other 49 states. Furthermore, recognition by the U.S. of Native Hawaiians as an indigenous people – not just a racial minority – may well shift the political and legal terrain upon which all native peoples within U.S. borders think and act. This chapter reviews the history of the colonial overthrow of the Hawaiian Kingdom by the U.S. and the subsequent political and economic history of Native Hawaiians, and considers the consequences of the contemporary Hawaiian sovereignty movement for racial identity formation.

Part VI: Anthropological Method and Postcolonial Practice

23 Ethnography

Peter Whiteley

Ethnography, the systematic study of and writing about cultures, is the core method of anthropology, but it has been practiced by Europeans and Americans as a method upon native people since long before the discipline existed. Rooted culturally, politically, and existentially in the encounter between those who came to the New World and those who lived there, ethnography is treated here as a fundamental intellectual constituent of Europe-in-the-world. The chapter traces the history of ethnography from Columbus to the present, and considers both its complicities with the larger colonialism that made (and makes) its very practice possible, as well as its actual and potential instances of subversion of colonial thinking.

24 Beyond “Applied” Anthropology

Les W. Field

Some of the most well-known examples of American applied anthropology have been conducted in American Indian communities, with the University of Chicago’s “Fox Project” among the most analyzed. This chapter squarely recognizes the limits of applied anthropology in leaving the definition of goals and methods in the hands of academics and non-Indians, and seeks to develop a framework for genuine collaboration between native communities and non-native scholars. Critical lessons of the potential roles of anthropologists in collaboration are drawn from cases of repatriation of native patrimony, tribal revivals of native languages, and struggles by native peoples for federal recognition as “Indians.”

25 Language

James Collins

No one who studies native peoples, anthropologically or through some other discipline, believes that the study of native languages is unimportant, and for many native communities the revival of indigenous language is key to sovereignty and cultural survival. But perhaps surprisingly, both the study of native languages and the tribal attempts to revitalize them are beset with political struggles. This chapter explores the difficult questions of how (and by whom) “native language” will be defined in particular communities (for example, omitting Indian Englishes) and how language ideologies (for example, the questionable proposition that a distinct native culture can be transmitted only through a native language other than English) shape the visions native people have about “the language” and its survival.

26 Visual Anthropology

Harald E. L. Prins

Native people have been photographed for about as long as they have been systematically studied and written about by ethnologists and anthropologists: photography, film, and video are critical components of the representational apparatus of anthropology, along with books and museums. This chapter traces changes in the visual

documentation of native peoples as both evolving technologies and changing anthropological theory have altered its form, content, and context. Of particular concern is the role of these media in the dialectical process by which native peoples see themselves represented by others, act on those representations, and, in turn, both reproduce and resist or reinscribe the representations in complex ways.

27 Archaeology

Larry J. Zimmerman

The potential incompatibility of native and anthropological “worldviews” are perhaps nowhere as stark as in the case of archaeology, one of the four subdisciplines of anthropology. This chapter surveys the history of relations between native peoples and archaeologists, from the early archaeological assumption that living Indian people could not possibly represent the “more civilized” peoples who built the earthworks and burial mounds found in the U.S., to contemporary “indigenous archaeology” and the profound changes in the study of the past brought about by the Native American Graves Protection and Repatriation Act of 1990. The question throughout this history is how distinct values and deep cultural orientations – many of them very unfortunate, for archaeology’s part – have generated profound conflict.



Notes on Contributors

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Cari Costanzo Kapur is a Ph.D. candidate in the department of Cultural and Social Anthropology at Stanford University. Her research interests include indigenous rights in local and global contexts, cultural production in the Asia Pacific region, ethnic identity and conflict, and the social production of historical memory. Her dissertation is entitled "Race, Rights, and Resistance: Constructing Identities in Contemporary Hawaii."

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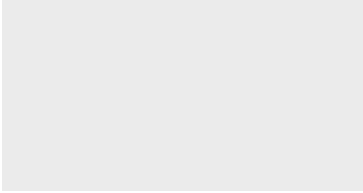
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Introduction: What is the “Anthropology” of “American Indians”?

The reader who picks up this book would certainly be justified in assuming that the meaning of the terms “anthropology” and “American Indians” is more or less clear. After all, why publish a Blackwell *Companion* composed of state-of-the-art summaries written by respected scholars if the boundaries or content of the discipline or the subject matter are not self-evident and agreed upon? But this book is conceived in a different intellectual spirit, because both anthropology and the topic of American Indians must be understood historically and conceptually as “moving targets.” That is, both anthropology and the category of American Indians are phenomena that are in the process of change and, perhaps, transformation – as they have been since their initial appearance.

The proposition that the category “American Indians” is not a stable object for purposes of study might seem like an odd notion. Have there not, after all, been peoples indigenous to the Americas since long before anthropology was invented, and are not many of these indigenous peoples still here? And does not *being* Indian (or not) make a profound difference in people’s lives? Of course: there is no question that “*Indian*” matters very much in the real world. But *who* do we include in the category when we set out to do anthropology? All people indigenous to the New World (as, for example, the International Indian Treaty Council and other organizations advocating native rights do)? All people indigenous to North America? Do we include Mexico in “North America,” or do we include just its two northern neighbors? And what about Russian (Siberian) natives who share language and culture with Alaska Natives – are they included in our definition of “North American Indians”? In other words, while everybody “knows” what “Indians” are, the study of “Indians” is as fraught with first-order definitional problems, as increasingly beset all area studies in anthropology and allied fields.

My point is *not* that any definition of “American Indians” is arbitrary, or merely an empty sign produced by discourse, and my aim is certainly not to disable the scholarly study of American Indians. Rather, my point is that what and who gets included in

this category of identity is in *historical flux*, and that the category is in part *defined by one's specific scholarly interests* in native peoples.

Regarding the matter of the category being in historical flux, it is important to recognize that “American Indian” is neither a fixed, nor an “aboriginal,” identity. Rather, it is a product of contact with Euro-Americans. “American Indian” is a *historically emergent* category, one that appears and reappears in particular incidents of native interaction with the forces and structures of the colonial situation in “the New World” over the last half millennium. Put differently, the identity of “American Indian” is a product of *ethnogenesis*. Cherokee anthropologist Robert K. Thomas was among the first to examine the historical situation in which “Pan-Indianism” emerged out of independent and separate “tribal” identities in response to the colonial situation (Thomas, 1965).

This emergent or historical quality of the category “American Indians” also means that the category is subject to continuous possibilities for change in the present and future. As this book goes to press, for example, the “Native Hawaiian Recognition Act” is being considered by Congress, after having been reviewed by the Senate Committee on Indian Affairs in 2003. The proposed act would declare that Congress “has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power,” would grant Native Hawaiians the right to establish a government not unlike the tribal government established under the Indian Reorganization Act of 1934, and would establish an Office for Native Hawaiian Relations in the Department of the Interior (the “Native Hawaiian Bureau of Indian Affairs”?). Besides “recognizing” Native Hawaiians, the act would also clearly recognize a larger category of “indigenous, native people of the United States,” and affirm that “the United States has a special political and legal responsibility to . . . the native people of the United States, including Native Hawaiians.” This is a good example of what I mean by “American Indians” being a historically moving target. Will the category of “American Indians and Alaska Natives,” now used by the federal government, eventually grow into a more inclusive identity, “Native People of the United States” – not only for government functionaries but for the native people themselves (which would be a *new* identity, a new “imagined community”)? Will, for example, the National Congress of American Indians change its name to the “National Congress of Native People of the United States” (which would be far from merely a matter of semantics)?

As to the linkages between the definition of “American Indians” on the one hand, and one’s scholarly or theoretical interest in them on the other hand, it is critical to recognize that the category both shapes and is shaped by the intellectual problems we propose to grapple with. What Eric Wolf said of the concept of “mode of production” is equally applicable to the category of “American Indian”: “The utility of the concept does not lie in *classification* but in its capacity to underline strategic relationships” (Wolf, 1982: 76). We have chosen to focus this book on, as the Senate Committee on Indian Affairs put it, the native peoples of the United States (not capitalized, since it is not a formal identity – yet). This is *not* because the native peoples of the United States have more in common with each other culturally than they do with native peoples outside the United States. Many Indian people in the “lower 48” states have more in common culturally – including blood and affinal ties – with Natives in Canada than with other U.S. Indians; the same is also true of the

Tohono O’odham (formerly known as the “Pima”) in Arizona, who have tribal members on both sides of the U.S.–Mexico border. We do not propose the U.S. as a “culture area.” Our U.S. framework, rather, has its rationale in the *colonial situation faced by native peoples*. The U.S. has a particular history regarding its indigenous peoples – including the role of anthropologists in studying native peoples – and it has developed particular political and legal structures that native peoples have had to resist, adapt to, or accommodate. This makes the situation of U.S. native peoples significantly different from that of Canadian First Nations people, and even more different from the situation of Indian people in Mexico – although, of course, there are international parallels, to be sure. But it is the intertribal commonalities – and the local specificities – in *native resistance, adaptation, and accommodation to the U.S. social formation* that is the unifying thread in this book, and the justification for the “cuts” we make in bounding the subject matter of “American Indians” as we do. We put into our category of “American Indians,” for this book, a vast range of linguistic and cultural diversity, including all of the following: Indian peoples in the 48 contiguous states; and Indians, Eskimos, and Aleuts in Alaska (although there is no treatment of Aleuts in this book). We also include Native Hawaiians. Different scholarly or theoretical interests would obviously necessitate different cuts in defining “Indians.”

What we mean by “anthropology,” too, requires a little explanation. Some of the questions that anthropologists continuously grapple with – directly or indirectly, explicitly or implicitly – are *what anthropology is, why it exists, and what and who it is for*. There is little agreement about the answers, despite the picture of programmatic disciplinarity that may be conveyed in undergraduate textbooks. This scholarly debate within the discipline as it concerns the study of American Indians is due, in no small part, to the critique of the discipline by native scholar Vine Deloria, Jr., to whom this book is dedicated. While most anthropologists would agree that anthropology has something to do with the comparative study of culture, the use of ethnography as a method, and a historical tendency to study non-Western or otherwise marginalized groups, it is not entirely clear that this agreement amounts to a coherent discipline. The range of theoretical standpoints (not to mention the fundamental disagreements) in anthropology will be clear in the pages of this book. What we think ties us as anthropologists (and some of us are “fellow travelers,” and not technically anthropologists, since our Ph.D.s are in other fields) together, however, is a perennial concern with four questions that together distinguish us from other disciplines: a concern (1) to understand the relationship between culture and power; (2) to examine how culture and language act as world-constructing processes; (3) to track how people experience and shape their own histories; and (4) to recognize and make sense of the incorporation of localities in larger formations, such as the state and the market. None of us in this volume emphasize all these concerns equally, nor do we agree about how to pose, much less answer, the appropriate questions that arise from these concerns. But we are all engaged in the same larger dialogue, and we understand each other’s disciplinary language. We have written this book because we think this anthropological dialogue and the language in which it is conducted has critical value generally, for those who are interested in American Indian peoples in the past, present, and future: students, scholars, and, most of all, we hope, native

communities themselves. We think – and we intend – that *anthropology matters* for native people.

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PART **I**

Environments and Populations

CHAPTER

I

Political and Historical Ecologies

Kenneth M. Ames

INTRODUCTION

It is impossible to encompass “Native American Ecology” in a single essay, or even, perhaps, in a single book. This is due in part to the vastness of the available literature and in part to the vastness of the topic itself. It is also because there is no unitary or single “Native American Ecology”; given the nature of ecology; there are many Native American ecologies. I have therefore elected to focus on two themes that I think are essential to understanding the ecology of Native Americans: Political Ecology and Historical Ecology. I emphasize the former because there is no coherent political ecology of Indian people and there should be, for reasons to be developed below. I emphasize the latter because it is an intellectual approach that can be used to provide a framework for the vast literature on Native American ecology and for developing a political ecology. Some readers may anticipate a historical review and analysis of the seminal work of anthropologists (e.g., Wissler, 1926; Kroeber, 1939; Steward, 1938; Suttles, 1962), historians, geographers and others on the subject. I do not pursue that direction here. While such a history would be extremely valuable, it is an essay, even a book, in its own right and is far beyond the scope of this chapter. Ellen (1982) is an excellent beginning point for such a work. I draw my examples from western North America, primarily the Plateau and Northwest Coast, since these are the regions I know best. I turn first to Political Ecology and use that discussion to introduce that topic and secondly to develop an argument for the necessity of a coherent Historical Ecology of Native Americans.

POLITICAL ECOLOGY

According to Greenberg and Park (1994) political ecology connects “political economy, with its insistence on the need to link the distribution of power with

productive activity[,] and ecological analysis with its broader vision of bioenvironmental relationships.” They go on to say: “Political ecology expands ecological concepts to . . . [include] cultural and political activity with an analysis of ecosystems that are significantly but not always socially constructed” (Greenberg and Park, 1994: 1). While political ecology includes more than power relationships, it can minimally be understood to be the analysis of power relationships as they are mediated through economy and ecology. In Native American affairs, a straightforward political ecological analysis is virtually mandated by treaties establishing rights to resources. Indian people, in the United States at least, have different legal relationships to certain kinds of resources than do other citizens of the country (see chapters 12, 13). This relationship is structured by treaty rights and by tribal sovereignty. One recent example of this is the efforts by the Makah tribe of western Washington State to revive their traditional whale hunt. The Makah whale hunt illustrates how any consideration of Native American ecology leads to a tangle of current and historical issues of varying scales. It also directs us to two issues at the heart of any consideration of the ecology of North America and of Indian people: the so-called “pristine myth” and the “ecological Indian.”

The Makah Reservation is located on the northwest corner of Washington State’s Olympic Peninsula. It contains the westernmost point in the continental United States. The Makah are the southernmost members of a group of people (Nuuchahnulth, Ditidaht, and Makah) distributed along the west coast of Vancouver Island and the Olympic Peninsula for whom whale hunting was traditionally a significant economic, social, and spiritual activity (e.g., Drucker, 1951). There is archaeological evidence for whale exploitation in this broad region extending back at least two millennia (Huelsbeck, 1988; McMillan, 1999; Monks et al., 2001). During the Late Pacific Period (A.D. 500–1770) and the Modern period (A.D. 1770–present) whaling was central to the acquisition and expression of high status among these peoples (e.g., Drucker, 1951). It was also “one of the most supernaturally charged activities and required the most elaborate ritual preparation” (McMillan, 1999: 160). The Makah ceased whaling in the 1920s, because, they say, of a scarcity of whales along the coast of Washington (www.makah.com: 1999). In 1998, they revived the whale hunt, in the face of considerable controversy. Here is some of their reasoning: “Many Makahs feel that our health problems result, in some degree, [from] the loss of our traditional diet of seafood and sea mammal meat. We would like to restore the meat of the whale to our diet. Many of us also believe that problems besetting our young people stem from lack of discipline and pride. We believe that the restoration of whaling will help to restore that discipline and pride” (www.makah.com: 1999). The Makah’s right to whale is secured by their 1855 treaty with the United States. This treaty was the basis upon which the U.S. government supported the Makah’s recent petition to whale before the International Whaling Commission.

The Makah whale hunt is opposed by a variety of environmental groups and whale-watching firms that oppose whaling generally (e.g., Sea Shepherd Conservation Society, 2002). They describe the whale hunt in at least one place as a “holocaust” and claim that the whale hunt is actually a front for Japanese whaling interests that want to renew and expand international whaling by undermining the International Whaling Commission that governs whaling. They further claim that the Makah intend to sell the whale meat, a charge the Makah deny. These groups also worry

that the renewal of whaling by the Makah will lead to a renewal of whaling by other Nuuchahnulth groups in Canada. The whale hunt is also opposed by eco-tourism firms that provide whale-viewing tours and by groups who are opposed to cruelty to animals and who see the hunt as cruel. These groups profess to honor Makah traditions but view the hunt as an arcane practice with no place in the modern world.

The whale hunt illustrates the complex interplay of political, economic, social, and ideological factors at play in “Indian ecology.” The Makah’s right to hunt has a legal basis in treaty, although that right had not until recently been exercised for almost 70 years. Despite their treaty with the United States, the hunt is not merely a national issue, but, in this case, an international one. At base, the issue here seems to be who controls the whales and the right to use the whales and to what ends, or, in other words, the issue is the politics of whaling, which is embedded in questions of traditional practices, governmental Indian policy, white–Indian relations, environmentalism, and so on. The players include, but are not limited to, the Makah (and perhaps different factions within the Makah, among whom there is not universal support for whaling), the U.S. government, Washington State government, the International Whaling Commission, environmental groups, eco-tourism firms, animal rights groups, scientists, and the media through whom much of this controversy is distilled and refracted to the general public.

The rhetoric is often fiery on both sides. This is in part a consequence of many participants having strong ideological commitments: the Makah to cultural renewal through revival of a core cultural practice and aboriginal rights; environmentalists and others to protect animals that have come to symbolize many things, including the protection of endangered species, the health of the planet, animal rights, and perhaps even a sentient “Other” being with whom we share the planet. I believe the rhetoric is also fiery for two reasons that are very deep-seated, but which color any consideration of the ecology of Native Americans or of North America.

The first has been termed “the Pristine Myth” (Deneven, 1992), the notion that North America (and the rest of the Western Hemisphere) was, at the time of contact, “primarily pristine, virgin, a wilderness nearly empty of people” (Deneven, 1992: 369). This idea has been deeply held, at least by Euro-Americans, and has been fundamental in the early growth of the discipline of ecology (e.g., Cornett, 1998) as well as to justifications for the European conquest of the continent (see chapter 12). Kay (2002) goes so far as to argue the myth is racist. There is now a great deal of scholarship that shows that most of the North American environment was anthropogenic (e.g., Kay and Simmons 2002), heavily influenced and shaped by Native Americans over generations and millennia. For some scholars, Native American manipulation of the landscape was a good thing, leading to very productive landscapes (e.g., Turner, Ignace, and Ignace, 2000), while for others it is seen as resulting in over-exploitation (e.g., Martin and Szuter, 1999).

A second procrustean idea is at the root of this debate, that of the so-called “ecological Indian” (Krech, 1999). At its heart, this is a postulate that Native American religious and subsistence practices across the continent were founded on very strong ethics about the use and conservation of resources. For Euro-Americans, this idea had perhaps its earliest clear expression in the 18th century in Jean-Jacques Rousseau’s “Noble Savage.” Rousseau and other romantics saw hunter-gatherers and small-scale farmers as close to nature, and therefore ennobled: that life before

civilization, before property, was the pure human condition (see chapter 18). According to this view, everything has been downhill since the invention of property and agriculture. Property led to the development of social inequality and of poverty. Agriculture led to population growth and environmental and human degradation.

There is a strong commitment both to the idea that North America was environmentally pristine and to the “ecological Indian” on the part of many in the environmental movement, and Indians are often used as symbols of ecological awareness (as in a famous anti-pollution television advertisement of the 1970s). These ideas are used to foster what Ingerson (1994) has called a sense of “environmental original sin” weighing on modern Western Civilization.

Among Indian people, who would no doubt reject Rousseau’s romanticism, there is an equally strong, sincere, ethical commitment to conservation, regardless of views on the “pristineness” of North America. This commitment serves, among other things, to distinguish Indian people and cultures from the consumerism and materialism they see around them in the dominant Euro-American culture and as a basis to claim they are still the true stewards of the North American environment (see, for example, www.critfc.org).

There are sharp debates in the scholarly and popular literature over both ideas. Perhaps the most virulent language concerns the “ecological Indian” (e.g., Krech, 1999; Deloria, 2001), again, because the issues are so close to the bone in terms of how both Indian people and Euro-American peoples view themselves, each other, their role in this hemisphere, and even the moral value and quality of their respective cultures.

It is, however, a debate that is in many ways irresolvable, because, at its deepest, it is a debate about matters of faith. It is not my intention to either join or attempt to resolve the debate here. However, it is my contention that one cannot discuss Native American ecology and pretend these debates and issues do not exist as an inescapable social context in which scholarship must take place. This will become clear in the section that follows on historical ecology.

A third “big” issue central to a Native American political ecology is demography. While it is generally accepted that Native Americans suffered one of the world’s major demographic disasters as a consequence of the European conquest of the Americas (see chapter 2), the full scope of that disaster (or series of disasters) is an area of controversy, sometimes with a remarkable virulence of its own (e.g., Henige, 1998). The controversy centers on estimates of the population of North America at or prior to contact. However that controversy is resolved (see below), it may be masking a key aspect of modern Native American ecology, their current demography.

Greenberg and Park argue for a “Political ecology [that] expands ecological concepts to [include] cultural and political activity with an analysis of ecosystems that are significantly but not always socially constructed” (1994: 1). The term “landscape” may be more appropriate here than “ecosystem”. Crumley defines landscape as the “material manifestation of the relationship between humans and the environment” (Crumley, 1994: 6; see also Schama, 1995). These relationships are socially constructed. From this stance, reservations can be analyzed as landscapes or parts of landscapes. A political ecology would be interested in the distribution of

power across a landscape and the forms that power takes. Key factors to understanding the spatial distribution of power would be demography and health.

The demography, or population ecology, of any population of organisms is central to understanding their ecology. Death rates, birth rates, morbidity, and population distributions in time and space are basic dimensions of demography. The health and medical problems faced by Indian peoples are well known, from the demographic catastrophe that befell them with the introduction of epidemic diseases such as smallpox, to levels of suicide and short life expectancies on modern reservations. While these are often thought of as public health issues, they are rarely seen as elements of the ecology of populations of Indian people. I would maintain that they are, particularly when seen in comparison with other segments of the national population.

Trafzer (1997) conducted a historical study of death rates and causes of death on the Yakama Indian Reservation using death certificates issued between 1888 and 1964. He found consistent and pervasive differences in death rates and causes of death during that span. Generally Yakama death rates were higher from all causes than those of non-Native Americans, with the exception of cancer. Taking a single example, infant death rates between 1920 and 1964 ranged between 276 percent and as high as 764 percent of infant death rates among Euro-Americans in the United States (calculated from Trafzer, 1997, figure 4.11, p. 237). Trafzer attributes these historically high death rates to nutritional and epidemiological changes, including the loss of the traditional Yakama diet.

The situation has improved markedly since 1964 and overall health on the reservation is much better, despite increases in the rates of deaths from homicide, suicide, and the incidence of diabetes. This latter appears to be a consequence of increased reliance on processed foods and the interplay between that diet and the genetics of Indian people – a classic example of the interplay between culture, human biology, and the environment. The changing diet is a consequence of many changes in North American ecology that, for Indian people, includes the reservation system. The causes for the increased rates of homicide and suicide are not clear. A developing political ecology would seek those causes, while a historical ecology would provide time depth for understanding the evolution of landscapes before and after the institution of reservations.

HISTORICAL ECOLOGY

Crumley defines historical ecology as landscape history, the study of “the ongoing dialectical relationships between human acts and acts of nature, made manifest in the landscape” (Crumley, 1994: 9). Historical ecology is multidisciplinary, drawing on evidence ranging from reconstructions of ancient climates, through ethnohistory, and archaeology to geography and philosophy. She sees it as essential to framing effective environmental policies. I suggest that it is also essential to understanding modern Native Americans (and everyone else living in North America).

A significant, recent development in the historical ecology of North America has been an increasing interest among researchers in the degree to which North American environments are anthropogenic. This interest stems from the realization that

modern environmental management decisions are often woefully uninformed by the historical record of ecological changes at local and regional levels. Because of the “Pristine Myth” and its wide currency among even well-trained ecologists and wildlife managers, the role of humans in ecological change on the continent has been often ignored. As pointed out above, anthropologists, archaeologists, geographers, and others have known for a long time that the North American landscape was the result of long-term interplay and interaction between humans and other North American organisms. Presumably, this interplay led to the North American landscape becoming increasingly anthropogenic, or increasingly human. However, the course of this process is poorly understood.

Traditional ecological knowledge is playing an increasing role in this development. Anthropologists and others long eschewed using native knowledge. However, it is becoming increasingly important not only in academic research, but also in resource management. For example, a plan for sustainable forestry practices in Clayoquot Sound on the west coast of Vancouver Island includes not only forestry science, but also traditional knowledge held by the Nuuchahnulth peoples living in the sound (e.g., Clayoquot Sound Scientific Panel, 1994).

The focus of the interest in anthropogenic environments and traditional knowledge is on the ecological history of North America. This cannot be fully understood apart from the ecological history of North Americans over the past many millennia. Further, the biology and cultures of modern Native Americans cannot be fully understood apart from that history. The rest of this section will briefly review some lines that this development is giving rise to.

POPULATION ECOLOGY

As demography is central to a political ecology, it is equally central to historical ecology. Population ecology includes such parameters as population size, patterns of growth and decline, distribution across the landscape, and health and nutritional status. Central to the latter is understanding the long-term effects of disease and stress, including changes in diet and the consequences of poor diet.

It is widely recognized and accepted that Native American populations suffered catastrophically as a consequence of introduced diseases such as smallpox, measles, chickenpox, malaria, and others. However, there remains great controversy over the numbers of people who lived in North America prior to contact, and therefore the extent of the subsequent catastrophe. There is also controversy over the timing of some early pandemics. Ramenofsky (1988), for example, has suggested that some portions of North America suffered smallpox pandemics as early as 1520. In the Northwest, Campbell (1989) sought indirect evidence for such an epidemic in the archaeological record of the Columbia Plateau, and while her results were not definitive, they raised the possibility of such an early pandemic.

Estimates for the population of North America at contact range from as low as 3,000,000 (Kroeber, 1939) to as high as 18,000,000 to 30,000,000 (Dobyns, 1983; and see chapter 2 below). For a time in the 1980s and 1990s a consensus may have been developing that tended toward the higher numbers, although perhaps not the highest. More recently, however, the high numbers and the methods used to

develop them have been ruthlessly critiqued by Henige (1998). These methods rely heavily on figures in early travelers' accounts and in early census data. As difficult as it is to use these data to develop population estimates, this difficulty pales before the problems inherent in estimating populations prior to contact.

Evidence for long-term population growth and decline is notoriously difficult to attain with archaeological techniques (e.g., Hassan, 1981), although for much of the past, archaeology is the only source of such data. Archaeologists cannot measure population sizes directly and so must use proxy measures. These include the numbers of archaeological sites through time, changes in site sizes (larger sites presumably indicate more people), changing frequencies of radiocarbon dates (or radiometrically dated sites) through time, changes in the numbers of burials, and so on. None of these can do more than provide the basis for relative statements ("populations grew significantly during this period," "the numbers of people fluctuated during this time"). Recent work by Chatters, Hess, and Ames provide examples.

Ames (1991, 2000), Chatters (1995), and Hess (1997) have modeled changing population sizes on the Columbia Plateau of northwestern North America using a sample of radiocarbon dates. Archaeologists make the working assumption that there is a general correlation between the amount of cultural carbon in the landscape and the number of people. Cultural carbon would be burned organic material produced by human activity. Non-cultural carbon would be produced by natural fires, for example. A conservative reading of these data indicate that human numbers on the Columbia Plateau were extremely low until c. 2400 B.C. when they began to grow, reaching a peak around A.D. 900–1200. If numbers of radiocarbon dates do reflect human numbers, even indirectly, then populations on the Columbia Plateau began to decline after A.D. 1200, some 300 years prior to the arrival of Europeans on the continent. A less conservative reading (e.g., Chatters, 1995; Hess, 1997) suggests that populations may have declined sometime prior to 3000 B.C., then risen sharply around 2400 B.C., fallen again, and then risen sharply after 500 B.C., again peaking around A.D. 1000. There is no settled explanation for these changes. Chatters (1995) explains them as consequences of changes in environmental productivity that were, in their turn, the results of climatic changes. However, as we saw with the Yakama study described above, demography is also affected by economic and social factors (which are in turn affected by demographic changes) and there are social and economic changes accompanying these demographic shifts. Describing those is beyond the scope of this essay. However, continuing the theme raised in the discussion of the Yakama, these ancient demographic and social changes probably affected health, longevity, and other aspects of the lives of individuals, including (as we saw in the Yakama study) violence. These linkages cannot presently be demonstrated using evidence from the Columbia Plateau but they can be in southern California.

Lambert (1994), in a longitudinal study of stress and violence in southern California that spanned the period from c. 6000 B.C. until the early 1800s, measured population growth using the numbers of radiometrically dated sites and the numbers of human burials through time. Her data suggest a basic pattern of slow population growth (with some fluctuation) from c. 6000 B.C. until c. A.D. 600, after which populations grew rapidly. This pattern seems replicated, at least at its broadest, in northwestern North America (e.g., Ames, 1991, 2000; Chatters, 1995; Hess, 1997; Maschner, 1991; Ames and Maschner, 1999). As part of her study, Lambert looked at

the skeletal remains of over 1,000 individuals from burials in the Santa Barbara region of southern California. She examined several key indicators of health and stress, including diet stress, to try and establish a link between stress and violence between 6000 B.C. and A.D. 1800. Her data indicated heightened levels of stress, as indicated by poor health, after 1400 B.C. and persisting until contact. This trend reached its peak between A.D. 500 and A.D. 1200, at a time when population was also at its peak. This was a period, in this area, marked by a relatively arid, unstable climate. Lambert attributes the relatively high levels of stress and poor health to population increases and this climate. The high levels of stress also occur in a period marked by increased levels of interpersonal violence, as indicated by pre-mortem violence-caused trauma on the skeletons.

In a contrasting study, Cybulski (1994) examined a sample of several hundred skeletons from coastal British Columbia, and found no indications of declines in health or nutritional status over the past 5,000 years, despite clear evidence for changing subsistence patterns, and markedly high levels of warfare, particularly after A.D. 500. Thus increased warfare on the southern California coast and the Northwest Coast are coincident in time, but there are marked differences in health status. There is also evidence for increased warfare on the Columbia Plateau at that time, although we have no evidence about health. In any case, the reasons for the contrasts between southern California and the Northwest Coast are unknown but suggest important differences in the historical ecology of these regions, despite some broad similarities.

SUBSISTENCE AND ENVIRONMENTAL MANAGEMENT

The “Pristine Myth” posits that despite millennia of human occupation, North America was essentially a pristine wilderness. This also further implies that Native Americans had little or no impact on the environment. This, of course, is patently incorrect. Much of southern North America (the southern U.S. and most of Mexico) was occupied at contact by farmers, people who had been farmers for 2,000–3,000 years with varying degrees of intensity. In what is now Arizona, the Hohokam people constructed extensive irrigation canals while people in New England practiced swidden agriculture. However, the canals had been abandoned and the swidden farmers decimated before 1800. In addition, many of the peoples of North America were hunter-gatherers who have generally been assumed to have had little impact on their environment. Evidence being developed in the Northwest, as well as elsewhere, clearly shows that to be wrong. Scholars in the Northwest are rethinking the notion of hunter-gatherers, and are also directly examining the impact of Indian people on past environments, particularly through burning.

These studies are part of a broader global inquiry into the long-term ecological impacts of small-scale societies, essentially non-industrial, non-state societies, worldwide (e.g., Smith and Wishnie, 2000). It has long been assumed that civilizations have significant ecological effects, but that the effects of small-scale societies are far less. However, over centuries and perhaps even shorter periods, even small societies can have significant cumulative impacts on their environments. The analysis of these impacts has also led to research on the degree to which such small-scale societies

practice conservation and/or sustainable subsistence methods (e.g., Smith and Wishnie, 2000). The focus of these studies is not on North America or on the “ecological Indian,” but on looking comparatively at the impacts of small-scale societies on their environments.

The increasing use of traditional ecological knowledge is making important contributions here. Turner (Turner and Peacock, 1997; Turner et al., 2000), for example, has developed a model of plant management by native peoples that emphasizes management of perennials, rather than annuals, as in much of western agriculture. Her model is based in part on long-term research with First Nation peoples of British Columbia. I will return to this below.

RETHINKING SUBSISTENCE

Northwest peoples did not farm prior to the arrival of Europeans. There are early travelers’ reports of peoples on the Northwest Coast growing tobacco, but anthropologists and others have generally regarded them as hunter-gatherers. The environment of the Northwest was viewed as typically a rich one, particularly because of the extraordinarily productive salmon fisheries. Salmon are anadromous; they are born in fresh water, migrate downstream to the sea where they grow to adulthood, and then return to their natal freshwater stream to spawn – to lay and fertilize their eggs. Pacific salmon, unlike Atlantic salmon, die upon spawning. The return trips are called “runs” and salmon ran up the Northwest’s rivers in millions. It has been widely assumed that this resource was so rich that it sustained large human populations virtually alone (e.g., Drucker and Heizer, 1967).

One crucial trend since the 1960s has been the increasing recognition that there is no “typical” Northwest Coast environment; there is not a single “environment” but a complex web of habitats or patches which are the result of the interplay among what we might label the “environment” and human social and economic organization. Key to this trend has been the realization that environmental variation in time and space is more important than the idea of the “typical” or “average” environment. On the Northwest Coast, this trend began with the pioneering cultural-ecological work of Wayne Suttles (1962, 1968), who documented environmental variation along the coast and described how Northwest Coast social arrangements might be ways of coping with this variation. Schalk (1977), in a seminal paper, described in detail how salmon abundance varied along the coast. Schalk also demonstrated that the relative economic importance of terrestrial and marine resources along the coast (marine resources become more important as one moves north from northern California to southeastern Alaska) was a function of terrestrial productivity, not the productivity of marine environments. Donald and Mitchell have followed Suttles’ direction and explored in detail the relationships among resource abundance, group territories, and status systems (Donald and Mitchell, 1975, 1994). They have shown (Donald and Mitchell, 1994) that territory boundaries among Kwakwa’kwakw and Nuuchahnulth groups living along the west side of Vancouver Island strongly affect the productivity of the environment of these groups. Their study focused on salmon runs. Variation in the numbers of salmon among different groups’ territories was so extreme that some groups probably faced regular failure of their poor salmon runs

while other groups possessed salmon resources so rich that the available fishing technology could not fully harvest them. Social groups with poor territories were more likely to join confederacies and participate in feasting circles, apparently to mitigate the effects of their territory's poor resources, as well as to get access to a wider area, and to the resources in that area.

A second trend since the 1980s has been an examination of the role of plant foods and of environmental manipulation on the coast and adjacent areas of the Northwest. It has become clear that plant foods, among other resources, played central roles in Northwestern economies. It has also become evident that the techniques used by Indian people went well beyond passively collecting what bounty nature provided. The Nez Perce of Idaho and the Kwakw'kwakw of Vancouver Island illustrate this well.

The pre-reservation territories of the Nez Perce centered on the Clearwater River of central Idaho, on the western slope of the northern Rocky Mountains (Josephy, 1965). The traditional Nez Perce economy focused on salmon, primarily for winter stores, and on elk or deer, and a range of roots, including camas (*Camassia quamash*), among others. After the arrival of the horse around 1720, they also began hunting bison on the plains of Montana, to the east of their homeland. As with virtually all people on the Columbia Plateau, roots were fundamental to the economic, social, and spiritual lives of Nez Perce people (e.g., Marshall, 1977). Key winter stores were dried salmon and baked roots or root flour; roots were among the first fresh spring resources, annual root feasts are significant events across the Plateau, and roots were among the resources widely traded across the Plateau (Anastasio, 1975).

Archaeological research on the Plateau and elsewhere in the Northwest has attempted to document the history of root exploitation (Thoms, 1989; Peacock, 1998), principally through the location, excavation, and dating of the earth ovens in which camas and other roots were baked. It is clear from this that while roots have been used (and baked) for 11,000 years (Connolly et al., 1997), they began to play a significant economic role only in the last 4,000 years. However, use of camas grounds has fluctuated greatly over the past 4,000 years, for reasons not presently understood.

Beyond documenting the history of root harvesting and processing, investigators have become increasingly interested in the environmental effects of root collecting, particularly techniques deliberately used to increase productivity, or which had that effect. Marshall lists three in reference to roots: (1) digging and turning the soil (the plants he discussed thrive under "disturbed" conditions); (2) replanting roots or corms and reseeding (according to Marshall [1999], roots were replanted when they were too small, of the wrong "sex," or blemished, among other reasons; some root plants were collected only when their seed was mature and ripe, and the seeds scattered across the meadow); and (3) deliberate burning of meadows. Burning was used more widely than for roots, and we will return to it below. His analysis leads Marshall to conclude that the Nez Perce were not, in fact, hunter-gatherers, but horticulturalists. While many may not agree with the label, it is clear that the simple distinction "farmer/hunter-gatherer" vastly oversimplifies the range of native economies present in North America and the world until the last century or so. This is the case even for the peoples of the Northwest Coast, who have long been considered classic hunter-gatherers.

The Kwakwa'kwakw (formerly Kwakiutl) occupied the northern third of Vancouver Island and adjacent portions of the British Columbia mainland. They are famous in world ethnography because of Franz Boas's ongoing research between c. 1885 and 1935 and voluminous publications. In some ways, then, they are the classic example of Northwest Coast societies, with potlatching, a permanent elite based on inherited rank, and an economy very heavily dependent on marine and terrestrial animals. Anthropologists have long regarded the Northwest Coast's peoples as the world's primary exception to the rule that social stratification requires agriculture. Social stratification on the coast was due, it has been argued (e.g., Drucker and Heizer, 1967), to an extraordinarily abundant natural environment, particularly the salmon runs. However, it is becoming quite clear that Northwest Coast peoples manipulated their environment, a point pursued below. Some also maintained root gardens.

Douglas Deur (2000), pursuing information collected by Boas (e.g., 1909) and others, has shown that Kwakwa'kwakw peoples maintained gardens for Springbank clover (*Trifolium wormskjoldii*) and the Pacific Silverweed (*Potentilla anserina* ssp. *Pacifica*). These plants produced starchy rhizomes, or roots, which were harvested in apparently large numbers by people on Vancouver Island and adjacent portions of the coast. According to Deur, these gardens required considerable effort. People modified natural plots by clearing rocks and boulders that were used to build walls around the plots. In the absence of rocks, wooden stakes, boards, and other materials were used to fence these plots. The plots were located on tidal flats where coastal streams entered bays and estuaries, forming marshes. Deur suggests the walls were built to capture and hold nutrients brought in by high tides – that the plots were, in fact, designed to take advantage of the ecologically very productive tidal environment. As with the Nez Perce, the plots were weeded; rhizomes from both plants were transplanted into the gardens, some of which were as much as two acres in size. In most areas families and lineages owned the plots. The key point here is not that Kwakwa'kwakw and other Northwest Coast people had garden plots; rather, that these required considerable labor and knowledge of the environment in which they were placed.

The kinds of practices employed in the Northwest were not limited to those described by Marshall and Deur. These practices include tilling (digging, turning over sod, aerating soil); replanting and transplanting, weeding, fertilizing (on the coast with seaweed); pruning and coppicing; and burning (Turner and Peacock, 1997). People's impact on the environment was not limited to these practices. For example, red cedar trees (*Thuja plicata*) were extremely important to Northwest Coast life, providing lumber for houses, canoes, storage boxes, bark for fiber, and so on. As a consequence demand for red cedar was high. Logs and finished canoes were important trade items for the people living on the west coast of Vancouver Island, which was rich in red cedar. For example, they exchanged these items for whale oil produced by the Makah on the Olympic peninsula, who lived in a region poor in red cedar. I have estimated that one red cedar structure near Portland, Oregon, dating to c. A.D. 1450, required a minimum of 55,000 board feet of lumber and at least 500,000 board feet over its use life of 500 years (Ames, 1996). (By comparison, a modern house requires 10,000–15,000 board feet.) That structure was home to 40 to 80 people. The immediate region had a minimum population of around 3,000 people, who would have required perhaps 50 to 100 such structures at any one time.

These structures were in use on the coast for at least 3,500 years. Given their lumber requirements, their construction had to have had an environmental impact. In any case, this range of practices and activities produced over time what Turner and Peacock term “anthropogenic plant communities.” They identify eight of these, including low elevation meadows, rain shadow forest (relatively dry), coastal rainforest, montane forests, freshwater marshes and swamps, freshwater bogs and fens, tidal wetlands (see above), and human occupation sites.

BURNING

The topic of burning runs through all of the previous discussion. The aboriginal use of fire to create and manage desired environments is well documented in a voluminous literature. For example, Williams (2002) developed a bibliography of “Indian Use of Fire in Ecosystems” that is 33 single-spaced pages in length. Williams identifies 11 major reasons why fires were set. Oregon’s Willamette Valley is perhaps an epitome of the significance of native burning for the development and maintenance of a distinctive landscape.

The Willamette Valley is in western Oregon, between the Cascades and the Coast Range. It is drained by the Willamette River that flows north through the valley to its confluence with the Columbia River at present-day Portland, Oregon. The valley is the traditional territory of Kalapuyan speakers who may have numbered as many as 15,000 at the beginning of the 19th century (Boyd, 1999). At the time, the valley’s dominant vegetation was a lush grassland with scatterings of oaks. The oaks occurred singly and in groves. This habitat is generally termed an oak savanna (Boyd, 1999). This savanna is what attracted Euro-American settlers to cross North America on the Oregon Trail in the 1840s and 1850s. They described and envisioned the valley as a “sweet Arcadian garden” (Bunting, 1997: 72).

However, the oak savanna appears to have been what ecologists term a “seral” stage in the life-cycle of a forest. Seral stages are the stages in plant succession. For example, after a plot of ground is cleared, rapidly growing, sun-tolerant plants may grow first, to be replaced later by brushy plants and eventually, under the right circumstances, by trees. The phases before the appearance of trees are “seral” stages. Most burning strategies are aimed at producing and maintaining seral stages because seral plants are most likely to be those that produce nuts, seeds, berries, and roots that people and other mammals eat. The plants are available to gather and to draw game such as deer and elk to be hunted.

The oak savanna probably developed initially as a consequence of a major warm dry period in North America before 6,000 years ago (Hebda and Whitlock, 1997). By 6,000 years, oak trees had spread as far north as southern Vancouver Island, a place now too cool and wet for them. The climate became cooler and wetter after 4,000 years ago, but the savanna persisted in Oregon. Boyd (1999) argues that the climate was too wet and cool for oaks; that only aboriginal fires could have maintained the savanna for that long. Recently, Whitlock and Knox (2002) have disputed Boyd’s claims, insisting that the evidence for aboriginal burning is weak, and that the oak savanna was climatically sustained. However, the available ethnohistoric evidence supports Boyd’s basic claim.

Kalapuya people clearly burned the Willamette Valley floor regularly. They burned to drive deer, and to facilitate collection of seeds, insects, and nuts. Oaks benefit when the ground around them is fired (Shipek, 1989) and burning underbrush makes it easier to collect the nuts. By doing this they engendered what can be called a “domesticated landscape” (Yen, 1989). This environment differs from domesticated plants and farming. In the latter, people interfere with or control plant reproduction. With burning, they interfere with and manipulate ecological processes (and as a result, favor some plants over others) generally. Burning also may have increased environmental diversity rather than reducing it, as farming does. Fire was used to create and maintain favored habitats within broader ecozones. As a result, it increased what ecologists call the “patchiness” of the environment. In other words, burning increased the number and variety of habitats available for humans and other animals to exploit. It also increased the numbers of ecotones, or edges between habitats. The boundaries, or edges, of patches are particularly diverse places. They are inhabited by the organisms that live in each of the adjacent patches, but also by organisms that occupy the boundary itself. The boundary is a distinct resource patch. Where two patches or habitats come together, there aren’t two habitats; there are three, counting the boundary.

While burning was widespread, it may not have had the same impact everywhere in the Northwest as it did in the Willamette Valley. Farther north, it was used to create and maintain grassy openings, or prairies, in the forests; but burning did not replace the forests. At higher elevations it was used to create and maintain berry-gathering grounds (e.g., Lepofsky, 2002; Mack and McClure, 2002). These, however, were much smaller in area than the valley floor. However, even these smaller areas increased the patchiness of the environment and raised its productivity.

However, a significant problem is documenting the history of these practices and the evolution of anthropic landscapes such as the Willamette Valley (see also papers in Vale, 2002). This in part reflects a lack of research specifically aimed at this issue (Lepofsky, 2002; but see Mack and McClure, 2002). Additionally, both natural and human activities can produce the same result, and it can be difficult to separate the two. For instance, an increase in lodge pole pine in forests in northern British Columbia after 2,200 years ago may be due to increased burning, or to a warmer drier climate (Lepofsky, 2002). Such research, as difficult as it may be to accomplish, will be central to any understanding of the evolution of North American landscapes.

SUMMARY AND CONCLUSIONS

When I undertook writing this chapter, I expected to encounter a lively literature on Indian political ecology. I did not find it. There is a vast literature on the historical ecology of Indian people, although the term ‘historical ecology’ is not usually applied. Political and historical ecology are about landscapes, about the distribution of resources and people across landscapes, and how these landscapes evolved. Political ecology also is about the distribution of power relationships across human landscapes. Power distributions can be evident in many kinds of relationships, including health. For Indian people, treaty rights and reservations are critical elements of the landscape they occupy and therefore to their ecology. Population ecology and subsistence

practices are central factors in the long-term evolution of those landscapes and to structuring the relationships that existed when Euro-Americans arrived in regions. One of the great ironies of Indian ecological history is that their subsistence practices were central in creating the landscapes that attracted Euro-American settlement and colonization.

Building political and historical ecologies of Native Americans is inescapably enmeshed with the common notions of a pristine North America and of the ecological Indian. Conflicting versions of these ideas are deeply held in many different communities and add combustibility to these topics. This combustibility may be why the political ecology I looked for doesn't appear to exist.

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CHAPTER 2

Historical Demography

Russell Thornton

The Native American population of North America declined following European contact and colonialism. How much decline is debated, since estimates of aboriginal population size for North America vary widely. The classic estimate of aboriginal population size for this area is by James Mooney. Early in the 20th century, he estimated individual Native American tribal populations, summed them by regions, and then totaled the regions to arrive at an estimate of 1,152,000 for North America north of the Rio Grande River at first (extensive) European contact (see Mooney, 1928). Subsequent scholars generally accepted Mooney's estimate, although Alfred Kroeber (1939: 131–166, esp. 131–134) considered numbers for the California area to be too high, and he lowered Mooney's total to little more than 1 million. Kroeber then suggested "Mooney's total of about 1,150,000, reduced to 1,025,000 by the California substitution, will ultimately shrink to around 900,000, possibly somewhat farther" (1939: 134).

In 1966, however, Henry Dobyns (1966) used depopulation ratios to assert an aboriginal population size for North America north of Mexico of between 9.8 and 12.25 million. He did so by calculating the average rate of decline for American Indian groups that had fairly well-known population histories and then multiplying nadir populations – the lowest size a population has reached over time – by the average rate to achieve aboriginal population size estimates. In 1983, Dobyns (1983) again used depopulation ratios from epidemics but this time also possible carrying-capacities of Native American environments and technologies to assert some 18 million aboriginal Native Americans for north of Mesoamerica (an area including northern Mexico as well as present-day United States, Canada, and Greenland).

Scholars now agree that Mooney's population estimate significantly underestimated aboriginal population size for the area north of the Rio Grande. As such, the baseline from which aboriginal population decline may be assessed is underestimated. The problem with Mooney's estimate is that he did not consider the possibility of significant population decline prior to his dates of first extensive European contact, ranging from A.D. 1600 to 1845, depending on the region in question. Most

scholars also consider Dobyns's estimates to be excessive, although little consensus for a higher population figure exists: estimates vary from around 2 million by Douglas Ubelaker (1988) to almost 4 million (reduced from an earlier estimate of almost 4.5 million) by William M. Denevan (1992 [1976]: xvii–xxix) to the slightly more than 7 million estimate I arrived at and continue to use (see Thornton and Marsh-Thornton, 1981: 47–53; Thornton, 1987: 25–32). My estimate includes somewhat more than 5 million people for the conterminous United States area and somewhat more than 2 million for present-day Canada, Alaska, and Greenland combined. (See Daniels, 1992, for a thorough consideration of North American estimates.)

Nevertheless, substantial depopulation did occur after European arrival and colonization: few scholars would argue this point. The Native American population of the United States, Canada, and Greenland combined reached a nadir population of perhaps only 375,000 at around 1900 (Thornton, 1987: 42–43), although it may have been somewhat higher (see Ubelaker, 1988, for a higher nadir figure). Thus, there was an actual demographic collapse; that is, a sudden, drastic reduction so that the population is unable to reproduce itself.

POPULATION DECLINE AND EPIDEMIC DISEASE

The effects of “Old World” diseases on Native American populations of the Western Hemisphere have been important in the debate on aboriginal population size and decline, and their role has been extensively discussed. There were considerably fewer infectious diseases there than in the other hemisphere. New diseases which impacted native populations in the Western Hemisphere include smallpox, measles, the bubonic plague, cholera, typhoid, diphtheria, scarlet fever, whooping cough, malaria, and yellow fever as well as some venereal diseases. Perhaps the first new disease introduced to the area – at least the first one causing large depopulation – was swine influenza, introduced in the Antilles in 1493.

America was not a “disease-free” paradise before the Europeans arrived, however; serious diseases were present, including tuberculosis and treponemal infections. (See Ubelaker, 2000, for a discussion of health and disease in America before Columbus.) Be this as it may, one scholar concludes: “the two worlds of disease were different enough so that the post-Columbian effects of Old World diseases on the Native Americans was [*sic*] devastating” (Merbs, 1992: 36).

Interestingly, scholars have shown that Native American life expectancies did not differ greatly from those in Europe with its various infectious diseases. Life expectancies for Native Americans – generally in the twenties to early thirties – were kept relatively low by famine, nutritional deficiency diseases (e.g., pellagra), warfare, parasites, dysentery, influenza, fevers, and other ailments in addition to tuberculosis and treponemal infections (Thornton, 1987: 37–41; Ubelaker, 2000).

Reasons for the presence of relatively few infectious diseases in the Western Hemisphere are not fully understood. They surely include, however, the existence of fewer domesticated animals, from which many human diseases arise. They probably include a low overall population density in this area, a condition hindering the survival of many diseases as the microorganisms that cause many diseases need to readily move from human host to human host in order to survive – hence, a dense population.

They perhaps include the presence of fewer large centers of population concentration, which foster many diseases through their density.

There is fair consensus that human settlement of America originated from Asia, and the Native American descendants of these first settlers have common ancestors with contemporary Asian peoples. Most scholars assume that the *Homo sapiens sapiens* who would become Native Americans migrated across cold and barren Beringa (the flat expanse of land – at times as much as 1,000 miles wide – connecting both hemispheres that existed as many as four times during the past 70,000 years). They would then have moved into the interior of North America across present-day Alaska and Canada, probably along the eastern edge of the Canadian Rocky Mountains. Others argue, however, that humans came here first, or at least also, by boat, along the northwest coast of North America. There were perhaps three migrations: one, the Paleo-Indians, as long as 40,000 years ago; a second, the Na-Dine, as recently as 12,000 years ago; and a third, the Inuit (Eskimo) and Aleutian Islanders, about 9,000 to 10,000 years ago. These migrations across Beringa and/or over water and/or along the coast may have served as a filter restricting pathogens from entering the Western Hemisphere, as such organisms cannot survive in extremely cold temperatures. Recently, scholars have argued for other arrivals in this hemisphere, including populations from the Iberian Peninsula, migrating along the other edge of Beringa.

Native Americans lacked prior exposure to specific diseases such as smallpox and measles, whereby recovery typically provides lifelong immunity. Thus new diseases produced “virgin soil epidemics” whereby a new disease spreads to virtually all members of a population (and may be particularly virulent). Native Americans in 1492 also appear to have been genetically homogeneous (relatively speaking), reflecting their “recent” arrival in the Western Hemisphere. Because of this homogeneity, viral infections were pre-adapted to successive hosts rather than encountering a wide variety of new immune responses. Technically, Native Americans had “a lack of genetic polymorphism in the MHC (major histocompatibility complex) alleles,” as an immunologist once expressed it to me. This characteristic both reflects a lack of historic contact with many diseases whereby their immune systems would “adapt” to them *and* made Native Americans more susceptible to diseases from the other hemisphere.

The timing and magnitude of “Old World” disease episodes and attendant depopulation in North America is still being debated. Soon after the arrivals of the Spanish, the Portuguese, and the English in the Western Hemisphere in the decades following first significant contact in 1492, diseases devastated American Indian populations in areas of present-day Mexico, the Caribbean, and Central and South America. Additionally, it has been argued that diseases moved northward early in the 16th century from European settlements in the Caribbean and Mesoamerica and spread to North America through early European explorations, colonies, slave raids, shipwrecks, and other native contacts.

European-origin diseases infected native populations in both the Southeast and the Southwest of the present-day United States during the initial decades of the 16th century. There, particularly in the Southeast, they culminated in epidemics and pandemics, devastating Native American populations in not only these regions but other regions as well. Consequently, many scholars think that the aboriginal

population of North America was exceedingly large, but was severely reduced by epidemic disease prior to significant historical documentation.

Scholarly research has generally refuted arguments regarding continent-wide pandemics of smallpox and other diseases during the 16th century. As Larsen (1994: 109) summarizes the consensus regarding smallpox epidemics, “archaeological, historical, and bioarchaeological studies provide compelling evidence that the arrival of Europeans did not occasion a sudden pandemic of smallpox in the early 16th century.”

Significant population decline in the Southeast, and perhaps in the Southwest, did begin *sometime* during the 16th century. Some research (e.g., Ramenofsky, 1987; see also Smith, 1987) supports the notion that it was caused by epidemic disease in the Southeast (and Mississippi Valley region). It is also possible that smallpox was present early in the Southwest. Still debated is whether 16th-century diseases in the Southeast – and by implication, the Southwest – occurred as region-wide pandemics, or more isolated epidemics or even mere episodes (see, for example, Smith, 1987; Thornton, Warren, and Miller, 1992). More likely, the pattern of disease “was a patchwork affair, striking some populations and not others at various times” (Larsen, 1994: 109). Neither the epidemic disease pattern in North America nor the depopulation of Native American peoples by epidemic disease, however, are fully understood by scholars.

Human populations constantly change in composition as members are born, die, or move into or out of the population. Underlying population patterns determine fertility, mortality, and migration. Interacting together, these patterns produce population growth, decline, or stability over time. Moreover, the patterns are typically stable; as such, they influence a population’s ability to respond to disturbances such as those caused by disease episodes.

It is not likely that *direct* effects of any single epidemic or even any single disease produced the long-term population reduction of most Native American groups. Population disturbances such as epidemics can result in only short-term population decline as populations may quickly return to predisturbance levels of population growth, decline, or stability. For example, I (Thornton, Miller, and Warren, 1991) have simulated this kind of rebound for smallpox epidemics; Herring (1994) has shown that recovery of a Native American population occurred following the influenza epidemic of 1918–19; and Boyd (1992) has shown the temporary effects of a smallpox epidemic as well as the longer effects of a measles epidemic. Similarly, the historian William McNeill (1976: 150) concluded: “the period required for medieval European populations to absorb the shock of renewed exposure to plague seems to have been between 100 and 133 years, that is, about five to six human generations.” Population recovery may even occur following repeated cycles of different diseases. The “Black Death” plague in Europe from 1347 to 1352 caused huge population losses, as there was population reduction because of the cyclic recurrence of the plague and the occurrence of other diseases such as typhus, influenza, and measles. Even though recovery was not complete until late in the 15th century, European populations did recover from the plague (Gottfried, 1983: xv–xvi, 129–35, 156–59).

It is the *indirect effects* of disease episodes that appear more important in population decline, interacting with the underlying population patterns of Native American societies. Indirect effects include the social disruption accompanying epidemics and

other disasters (see McGrath, 1991). They also include, for example, decreased fertility accompanying reduced fecundity due to the disease or resulting from marital disruption, for example the loss of a spouse. The nature of Native American societies, including pre-existing patterns of social organization, also influenced population reduction and/or recovery, as I have shown regarding the Tolowa of northern California (Thornton, 1984b, 1986).

Native American population decline resulted not only from the introduction of European and African diseases but also from the many other effects of colonialism, subtle or otherwise. As Larsen (1994: 110) puts it, the scholarly emphasis purely on disease “has overshadowed a host of other important consequences of contact such as population relocation, forced labor, dietary change, and other areas.” Colonial arrangements interacted with disease to produce population decline. In this regard, Meister (1976: 165) notes that “later population decline resulting from disease was made possible because Indians had been driven from their land and robbed of their other resources.”

Native American societies were removed and relocated, warred upon and massacred, and undermined ecologically and economically. All of these manifestations of colonialism caused population decline as a result of fertility decreases as well as mortality increases, as I have pointed out and as Stannard (1990) has shown regarding Native Hawaiians. The Cherokee “Trail of Tears” from the Southeast to Indian Territory produced substantial population losses, partly from the mortality of diseases such as cholera but also from decreased fertility and increased mortality due to malnutrition and starvation (Thornton, 1984a). Southern California Indians were placed on missions, which confined them in new disease environments which took a demographic toll via both fertility and mortality, and were eventually replaced by European populations, which resulted in selective, regional out-migration and lower fertility as well as Native American assimilation. Northern California Indians were subjected to unlicensed violence and outright genocide as well as the destruction of their traditional patterns of subsistence (see Thornton, 1984b, 1986; Walker and Thornton, 2002). And, while it is difficult to address direct effects on mortality and fertility, American Indians living on the Plains lost much of their social and cultural life and most of their economic basis when the great herds of buffalo were destroyed and government-issued rations became the source of subsistence.

POPULATION RECOVERY

Following almost four centuries of population decline, the Native American population north of Mexico began to increase. This occurred around the beginning of the 20th century, and has continued since. The U.S. Census decennial enumerations indicate a Native American population growth for the United States that has been nearly continuous since 1900 (except for an influenza epidemic in 1918 that caused serious losses and some changes in enumeration procedures) to more than 1.4 million by 1980 and to around 2.5 million by 2000 (plus more than 1.6 million reporting themselves as racially mixed Native Americans). (Changing definitions and procedures for enumerating Native Americans used by the U.S. Bureau of the Census also had an effect on the enumerated population size from census to census during the

20th century.) To this may be added some 0.8 million Natives in Canada – in the 1996 Census there were 554,000 Indians, 41,000 Inuit (Eskimos), and 210,000 Métis (a special group of individuals of Indian and white ancestry) – and a small native population in Greenland. The total then becomes around 3.5 million in North America north of Mexico. (The figure becomes around 5 million, if racially mixed Native Americans in the U.S. Census are included.) This is obviously a significant increase from the perhaps fewer than 400,000 around the turn of the century, about 250,000 of which were in the United States; however, it remains significantly less than the estimated more than 7 million circa 1492. It is far, far less than the present-day total of 307 million non-Native Americans of the area: some 279 million in the United States, according to the 2000 Census; some 28 million in Canada, according to the 1996 Census. Thus native North Americans represent only some 1.6 percent of the population.

By the beginning of the 20th century, surviving Native American groups in the United States had been redistributed. Much of this occurred during the 19th century with Native American removals, the establishment of the reservation system, and the subsequent allotment and elimination of some reservations. According to the 2000 Census, the ten states with the largest numbers of Native Americans are California, 333,346; Oklahoma, 273,230; Arizona, 255,879; New Mexico, 173,483; Texas, 118,362; North Carolina, 99,551; Alaska, 98,043; Washington, 93,301; New York, 82,462; and South Dakota, 62,283. If racially mixed Native Americans are included, then the top ten states are California, 627,562; Oklahoma, 391,949; Arizona, 292,552; Texas, 215,599; New Mexico, 191,475; New York, 171,581; Washington, 158,940; North Carolina, 131,736; Michigan, 124,412; and Alaska, 119,241. In the 1996 Canadian census, the Native American population of the twelve provinces was Ontario, 141,525; British Columbia, 139,655; Manitoba, 128,685; Alberta, 122,840; Saskatchewan, 111,245; Quebec, 71,415; Northwest Territories, 39,690; Newfoundland, 14,205; Nova Scotia, 12,380; New Brunswick, 10,250; Yukon Territory, 6,175; and Prince Edward Island, 950.

A redistribution of Native Americans has also occurred through urbanization in the United States. Only 0.4 percent of the American Indians in the United States lived in urban areas in 1900. By 1950, this had increased to 13.4 percent; however, in 1990, 56.2 percent of American Indians lived in urban areas (Thornton, 1994). Important in this urbanization was Indian migration to urban areas, some of which occurred under the Bureau of Indian Affairs relocation program which began in 1950 to assist American Indians in moving from reservation (and rural) areas to selected urban areas (Thornton, 1994). United States cities with large Native American populations are New York City, Oklahoma City, Phoenix, Tulsa, Los Angeles, Minneapolis-St. Paul, Anchorage, and Albuquerque. In Canada, somewhat over half of the Native population live in urban areas. Canadian cities with the largest Native populations are Winnipeg, Edmonton, Vancouver, Saskatoon, Toronto, Calgary, and Regina.

This population recovery was in part a result of lower mortality rates and increases in life expectancy as the effects of “Old World” disease and associated colonialism lessened. As Snipp has noted, the mortality differences between whites and Native Americans have narrowed in recent decades. However, “the American Indian population still experiences substantially higher mortality than other Americans, notably the white population” (Snipp, 1996: 30).

Early in the 20th century, at around the point of the Native American population nadir in the United States, the fecundity and fertility of Native Americans – particularly of the so-called “full bloods” – was of considerable concern to government officials. But population recovery has also resulted from changing fertility patterns and adaptation through intermarriage with nonnative peoples during the 20th century. This helped to raise American Indian birth rates (of “mixed-bloods”) above those of the average North American population (Thornton, Sandefur, and Snipp, 1991; Snipp, 1996: 24–28).

Soon, however, fertility increased. Indeed, the 20th-century recovery of the Native American population of the United States has been driven by Native American fertility increases and Native American fertility levels higher than those of the total United States population. In 1980, for example, married American Indian women 35 to 44 years of age had a mean number of children ever born of 3.61 in comparison to 2.77 for the total U.S. population and only 2.67 for the white segment of the population (Thornton, Sandefur, and Snipp, 1991: 360). Intermarried American Indian women generally had lower fertility rates in 1980 than American Indian women married to American Indian men; however, intermarried, American Indian women still had higher fertility than the total U.S. population. Today, Native American fertility remains high. Snipp, for example, observes “that American Indian fertility equals or exceeds the fertility of either black or white women” (Snipp, 1996: 25). He further notes that “a key to explaining the high rates of American Indian fertility is that American Indian women begin their childbearing at a relatively early age. Women who begin childbearing at an early age typically have more children than those who defer motherhood until they are older” (Snipp, 1996: 24–25).

NATURE OF THE NATIVE AMERICAN POPULATION

This history of population decline and recovery needs to be understood in the context of changing patterns of identifying individuals as native. Certainly, how one defines “Indian” will determine the demographic patterns one observes. But demographic patterns themselves may profoundly affect identities, both for individuals and for groups.

The 20th-century increase in the Native American population reflected in successive censuses of the United States was due in part to changes in the identification of individuals as “Native American.” The U.S. Census has in the past typically enumerated individuals as of only one race. Since 1960 the U.S. Census has relied on self-identification to ascertain an individual’s race. Much of the increase in the “American Indian” population – excluding Inuit (Eskimo) and Aleuts – from 523,591 in 1960 to 792,730 in 1970 to 1.37 million in 1980 to more than 1.8 million in 1990 resulted from individuals not identifying as American Indian in an earlier census but identifying as such in a later census. It may be estimated, for example, that about 25 percent of the population “growth” of American Indians from 1960 to 1970, about 60 percent of the “growth” from 1970 to 1980, and about 35 percent of the “growth” from 1980 to 1990 may be accounted for by these changing identifications (see Thornton, 2000: 32).

The 2000 Census was the first U.S. census in which the population could identify itself as having more than one race – some 6.8 million people did so, about 2.4 percent of the total population. In the census, 2.6 million people identified themselves as Native American and another 1.5 million identified themselves as Native American and another race, generally white. Thus, some 37 percent of those with a Native American identification were self-identified as racially mixed. This far exceeds the percentages for other groups: for example, only about 5 percent of African Americans indicated mixed ancestry.

The 1996 Census of Canada also used a new question to identify Natives. Whereas earlier censuses asked about ethnic origin or ancestry, the 1996 Census asked if the person was Aboriginal. It also asked if the person had Aboriginal ancestry. Some 1.1 million people reported an Aboriginal ancestry, as opposed to the 0.8 million identifying as Aboriginal.

Certainly, the Native American population could not have recovered to the extent it has without intermarriage (see, for example, Shoemaker, 1999: 63–66, 87–97). However, it has created identity struggles for children of these intermarriages as they sought to define who they were and get others to accept it: children of Native American and African American intermarriages typically had difficulty getting others to accept their “Indianness,” generally more difficulty than experienced by children of Native American and white intermarriages.

Many different criteria may be used to delimit a population. Language, residence, cultural affiliation, recognition by a community, degree of “blood,” genealogical lines of descent, and self-identification have all been used at some point in the past to define both the total Native American population and specific tribal populations. Of course, each measure produces a different population, and which variables are ultimately employed to define a population is an arbitrary decision. The implications for Native Americans, however, can be enormous.

Native Americans are unique among ethnic and racial groups in their formal tribal affiliations and in their relationships with the United States government. Today, there are 562 American Indian groups in the United States that are legally recognized by the federal government and receive services from the U.S. Bureau of Indian Affairs. (There are some tribes recognized by states but not by the federal government.) These encompass both American Indian tribes and Alaska Native groups. In addition, there are numerous Native American groups seeking federal recognition and many others who may do so in the future.

Contemporary American Indians typically must be enrolled members of one of the federally recognized “tribal entities” to receive benefits from either the tribe or the federal government. To do so, they must meet various criteria for tribal membership, which vary from tribe to tribe and are typically set forth in tribal constitutions approved by the U.S. Secretary of the Interior. Upon membership, individuals are typically issued tribal enrollment (or registration) numbers and cards that identify their special status as members of a particular American Indian tribe.

The process of enrollment in a Native American tribe has historical roots that extend back to the early 19th century. As the U.S. government dispossessed native peoples, treaties established specific rights, privileges, goods, and money to which those party to a treaty – both tribes as entities and individual tribal members – were entitled. The practices of creating formal censuses and keeping lists of names of tribal

members evolved to insure an accurate and equitable distribution of benefits. Over time, Native Americans themselves established more formal tribal governments, including constitutions, and began to regulate their membership more carefully, especially in regard to land allotments, royalties from the sale of resources, distributions of tribal funds, and voting. In the 20th century, the U.S. government established further criteria to determine eligibility for benefits such as educational aid and health care.

Congress also passed the Indian Reorganization Act (IRA) of June 18, 1934, under which most current tribes are organized (see chapter 12). The IRA was “the culmination of the reform movement of the 1920s led by John Collier,” and “reversed the policy of allotment and encouraged tribal organization” (Prucha, 1975: 222). The IRA authorized tribes to draft written constitutions, containing membership provisions. Generally, tribal constitutional membership provisions were either established for the first time under the IRA, or, if already in existence, modified after the enactment of the IRA in 1934.

A variety of court cases have tested tribal membership requirements. From the disputes, American Indian tribal governments won the right to determine their own membership: “The courts have consistently recognized that in the absence of express legislation by Congress to the contrary, an Indian tribe has complete authority to determine all questions of its own membership” (Cohen, n.d. [1942]: 136).

Individuals enrolled in federally recognized tribes also receive a Certificate of Degree of Indian Blood (referred to as a CDIB) from the Bureau of Indian Affairs specifying a certain degree of Indian blood, also known as a blood quantum. The Bureau of Indian Affairs uses a blood quantum definition – generally a one-fourth degree of Native American blood – and/or tribal membership to recognize an individual as Native American. However, each tribe has a particular set of requirements – generally requiring a minimum degree of Indian blood and/or lineal descent from a tribal member – for membership (enrollment) in the tribe. Typically, a blood quantum is established by tracing ancestry back through time to a relative or relatives on earlier tribal rolls or censuses where the relative’s proportion of Native American blood was recorded. In such historic instances, more often than not Indian blood was simply self-indicated.

Enrollment criteria have sometimes changed over time; often, the change has been to establish minimum blood quantum requirements. For instance, in 1931, the Eastern Band of Cherokee Indians established a one-sixteenth blood quantum requirement for those born thereafter (Cohen, n.d. [1942]: 5). Sometimes the change has been to establish higher requirements: the Confederated Salish and Kootenai Tribes have tightened their membership requirements since 1935, and in 1960 established that only those born with a one-fourth or more blood quantum could be tribal members (Trosper, 1976: 256). Conversely, tribes may reduce their blood quantum requirements, sometimes even eliminating a specified minimum requirement. Cohen (n.d. [1942]: 136) writes: “The general trend of the tribal enactments on membership is away from the older notion that rights of tribal membership run with Indian blood, no matter how diluted the stream. Instead it is recognized that membership in a tribe is a political relation rather than a racial attribute.” Blood quantum requirements for membership in contemporary tribes vary widely from tribe to tribe. Some tribes, such as the Walker River Paiute, require at least a one-half Indian (or tribal) blood

quantum; many tribes, such as the Navajo, require a one-fourth blood quantum; some tribes, generally in California and Oklahoma, require a 1/8 or 1/16 or 1/32 blood quantum; and many tribes have no minimum blood quantum requirement but only require documented descent from an ancestor who was a tribal member.

The nature of the population recovery of Native Americans has produced different distinctive Native American populations along both “racial” and tribal lines. “Racial” heterogeneity has been produced whereby many individuals with little Indian “blood” are counted as within the Native American population, defined either tribally or by the U.S. Census (or by most other methods). It has also produced tribal variations, not only in terms of membership requirements but more importantly in terms of whether or not an individual is a tribal member. A dichotomy has emerged between Native Americans and tribal Native Americans; that is, between, on the one hand, Native Americans either not enrolled in tribes or enrolled, but non-participants in tribal affairs, and, on the other hand, Native Americans enrolled and participating in the affairs of their tribe, which frequently gives them an “identity” as a specific “type” of Native American, i.e., Cherokee, Lakota, Navajo, as well as a “pan-Indian” identity as Native American. Appendix 1 lists all the tribal entities in the United States (as of 2001) and their enrollment figures. Not necessarily all of their affiliates – people who live in and are members of the community – are tribally enrolled.

The Canadian census enumeration of Aboriginals refers to people identifying as North American Indian, Inuit (Eskimo) and/or Métis. Aside from census purposes, one must be registered under the Indian Act of Canada to be “officially Indian.” There are two primary categories of Canadian Indians: (1) registered (status) Indians, i.e., those registered under the Act; and (2) non-registered (non-status) Indians, i.e., those who were either never registered under the Act or who gave up their registration (and became “enfranchised,” as they say), as when a registered (status) woman married a non-registered (non-status) or non-native man. Further, registered Indians are divided into treaty and non-treaty Indians, depending on whether their group ever had a treaty relationship with the Canadian government.

CONCLUSION

North America had a large native population at first contact with Europeans. Disease and colonialism undermined this population, and a decimation occurred. Population recovery did occur, however. As the numbers of Native Americans declined and Native Americans came into increased contact with whites, blacks, and others, Native American peoples increasingly married non-Indians. Intermarriage contributed very significantly to the recovery of the Native American population, but high fertility rates and decreased mortality rates also were important. Following population recovery and associated high rates of intermarriage, Native Americans have had to increasingly rely on formal certification as proof of their “Indianness.” This formal certification and the tribal membership on which it is based has been important in the development of different categories of Native Americans in the United States. In Canada, different categories have developed as a result of intermarriage, i.e., the Métis, and treaty relationships.

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Appendix 1 Number of tribal enrollees in federally recognized Native American tribes and Alaska Native villages, 2001 (source: Indian Population and Labor Force Report, 2001; Bureau of Indian Affairs, U.S. Department of the Interior)

<i>Tribe</i>	<i>State</i>	<i>Enrollment</i>
Absentee Shwancee Tribe	OK	2,926
Afognak Native Village	AK	309
Agdaagux Tribe of King Cove	AK	636
Agua Caliente Band of Cahuilla	CA	379
Ak Chin Indian Community	AZ	679
Akhiok Village	AK	100
Akiachak	AK	571
Akiak	AK	210
Akutan, Native Village of	AK	163
Alabama-Coushatta Tribes	TX	993
Alabama-Quassarte Tribal Town	OK	193
Alakanuk	AK	689
Alatna Village	AK	34
Aleknagik, Native Village of	AK	487
Algaaciq Village (St. Mary's)	AK	50
Allakaket Village	AK	93
Alturas Indian Rancheria	CA	9
Ambler, Native Village of	AK	361
Anaktuvuk Pass	AK	279
Anchorage (CITC '638 Tribal Org)	AK	6,900
Andreafsky (Yupiit)	AK	200
Angoon Community Association	AK	573
Aniak	AK	686
Anvlk Village	AK	94
Apache Tribe	OK	1,854
Arapahoe Tribe – Wind River Res.	WY	7,137
Arctic Village	AK	139
Aroostook Band of Micmac Indians	ME	1,180
Asa'carsarmlut Tribe (Mt. Village)	AK	993
Assiniboine & Sioux Tribes – Ft. Peck	MT	11,248
Atka, Native Village of	AK	180
Atmautluak	AK	305
Atqasuk Village (Atkasook)	AK	254
Augustine Band of Cahuilla Mission	CA	8
Bad River Band	WI	6,292
Barona Group-Capitan Grande Bd.	CA	362
Barrow, Native Village of	AK	2,590
Bay Mills Indian Community	MI	1,462
Bear River Bd.-Rohnerville Ranch	CA	265
Beaver Village	AK	235
Belkofski, Native Village of	AK	61
Berry Creek Rancheria of Maidu	CA	464
Big Lagoon Ranch of Smith River	CA	18
Big Pine Band – Owens Valley Paiute	CA	398
Big Sandy Rancheria – Mono Indians	CA	331

Big Valley Ranch – Pomo & Pit River	CA	696
Bill Moore’s Slough	AK	83
Birch Creek Village	AK	28
Blackfeet Tribe	MT	15,410
Blue Lake Rancheria	CA	48
Bois Forte Band of Chippewa Tribe	MN	2,857
Brevig Mission, Native Village of	AK	297
Bridgeport Paiute Indian Colony	CA	113
Buckland	AK	392
Buena Vista Rancheria of Me-Wuk	CA	12
Burns Paiute Tribe	OR	295
Cabazon Band of Mission Indians	CA	30
Cachil DeHe Band of Wintun Ind.	CA	75
Caddo Tribe	OK	3,261
Cahto Indian Tribe – Laytonville	CA	81
Cahuilla Band of Mission Indians	CA	297
California Valley Me-Wuk Tribe	CA	5
Campo Band – Diegoeno Miss. Ind.	CA	294
Cantwell, Native Village of	AK	108
Catawba Indian Nation	SC	2,430
Cayuga Nation	NY	474
Cedarville Rancheria	CA	30
Central Council Tlingit & Haida	AK	16,114
Chalkyitsik	AK	111
Chefornak Village	AK	441
Chemehuevi Tribe	CA	708
Chenega Village	AK	67
Cher-Ae Heights – Trinidad Ranch	CA	189
Cherokee Nation	OK	228,307
Chevak Native Village	AK	694
Cheyenne River Sioux Tribe	SD	13,270
Cheyenne-Arapaho Tribes	OK	11,459
Chickaloon Native Village	AK	254
Chickasaw Nation	OK	46,065
Chicken Ranch Rancheria – MeWuk	CA	21
Chignik Lagoon, Native Village of	AK	220
Chignik Lake Village	AK	326
Chignik, Native Village of	AK	315
Chilkat	AK	203
Chilkoot Indian Assoc. (HNS)	AK	495
Chinik Eskimo Comm. (Golovin)	AK	110
Chippewa Cree Tribe	MT	5,728
Chistochina	AK	66
Chitimacha Tribe	LA	980
Chitina Traditional Village	AK	316
Choctaw Nation	OK	148,976
Chuathbaluk	AK	134
Chuloonawik	AK	52
Circle	AK	185
Citizen Potawatomi Nation	OK	23,557

(Continues)

Appendix 1 (continued)

<i>Tribe</i>	<i>State</i>	<i>Enrollment</i>
Clark's Point, Village of	AK	181
Cloverdale Rancheria – Pomo Inds.	CA	404
Cocopah Tribe	AZ	880
Coeur D'Alene Tribe	ID	1,493
Cold Springs Rancheria – Mono Ind.	CA	271
Colorado River Indian Tribes	AZ	3,526
Comanche Tribe	OK	9,580
Confed. Tribes & Bands – Yakama	WA	8,624
Confed.-Coos, L. Umpqua, Siuslaw	OR	705
Confederated Salish & Kootenai	MT	6,950
Confederated Tribes – Umatilla Res.	OR	2,140
Confederated Tribes – Goshute Res.	UT/NV	433
Confederated Tribes of Siletz	OR	3,660
Confederated Tribes of Chehalis	WA	629
Confederated Tribes of the Colville	WA	8,842
Confederated Tribes – Grand Ronde	OR	4,706
Confed. Tribes-Warm Springs	OR	3,831
Coquille Tribe	OR	769
Cortina Ind. Rancheria – Wintun Ind.	CA	136
Council, Native Village of	AK	131
Coushatta Tribe	LA	676
Cow Creek Band of Umpqua Ind.	OR	1,162
Coyote Valley Band – Pomo Indians	CA	358
Craig Community Association	AK	367
Crooked Creek Village	AK	121
Crow Creek Sioux Tribe	SD	3,507
Crow Tribe of Montana	MT	10,450
Cuyalpe Comm. of Diegueno	CA	8
Death Valley Timbi – Sha Shoshone	CA	270
Deering, Native Village of	AK	186
Delaware Indians	OK	10,500
Delaware Tribe of Western Ok.	OK	1,302
Dillingham Native Village	AK	1,873
Dot Lake	AK	28
Douglas	AK	411
Dry Creek Rancheria of Pomo Ind.	CA	583
Duck Valley Shoshone-Paiute	NV/ID	1,888
Duckwater Shoshone Tribe	NV	337
Eagle, Native Village of	AK	30
Eastern Band of Cherokee	NC	12,139
Eastern Shawnee Tribe	OK	2,101
Eek Village	AK	276
Egegik Village	AK	254
Eklutna Native Village	AK	239
Ekuk, Native Village of	AK	72
Ekwok Village	AK	222
Elem Indian Colony of Pomo Ind.	CA	104

Elim, Native Village of	AK	403
Elk Valley Rancheria	CA	100
Ely Shoshone Tribe	NV	418
Emmonak	AK	861
Enterprise Rancheria – Maidu Ind.	CA	414
Evansville Village	AK	15
Eyak (Cordova), Village of	AK	368
Fairbanks (FNA ‘638 Tribal Org.)	AK	7,083
False Pass	AK	96
Flandreau Santee Sioux Tribe	SD	716
Fond du Lac of Lake Superior	MN	3,905
Forest County Potawatomi	WI	1,186
Fort Belknap Indian Community	MT	5,426
Fort Bidwell Indian Community	CA	244
Fort Independence Indian Comm.	CA	135
Fort McDermitt Paiute & Shoshone	NV	928
Fort McDowell Yavapai Nation	AZ	939
Fort Mojave Indian Tribe	AZ/CA	1,082
Fort Sill Apache Tribe	OK	488
Fort Yukon, Native Village of	AK	528
Gakona, Native Village of	AK	85
Galena Village (Louden)	AK	455
Gambell, Native Village of	AK	668
Georgetown	AK	50
Gila River Indian Community	AZ	20,479
Goodnews Bay, Native Village of	AK	224
Grand Portage Band of Chippewa	MN	1,089
Grand Traverse Band	MI	3,792
Grayling (Hollkachuk)	AK	178
Greenville Rancheria – Maidu Ind.	CA	168
Grindstone Indian Rancheria	CA	157
Guidiville Rancheria	CA	114
Gulkana Village	AK	132
Hamilton	AK	26
Hannahville Indian Community	MI	692
Havasupai Tribe	AZ	674
Healy Lake Village	AK	27
Ho-Chunk Nation of Wisconsin	WI	6,145
Hoh Indian Tribe	WA	139
Holy Cross Village	AK	219
Hoonah Indian Association	AK	587
Hoopa Valley Tribe	CA	1,893
Hooper Bay, Native Village of	AK	933
Hopi Tribe	AZ	11,267
Hopland Band of Pomo Indians	CA	692
Houlton Band of Maliseet Indians	ME	741
Hualapai Indian Tribe	AZ	1,921
Hughes Village	AK	62
Huron Potawatomi, Inc.	MI	428
Huslia Village	AK	279

(Continues)

Appendix 1 *(continued)*

<i>Tribe</i>	<i>State</i>	<i>Enrollment</i>
Hydaburg	AK	402
Igiugig	AK	63
Iliamna, Native Village	AK	158
Inaja Band of Diegueno Mis. Ind.	CA	18
Ione Band of Miwok Indians	CA	536
Iowa Tribe	KS/NE	2,897
Iowa Tribe	OK	491
Iqurmuit Tribe (Russion Mission)	AK	296
Ivanoff Bay Village	AK	42
Jackson Rancheria – Me-Wuk Ind.	CA	24
Jamestown S’Klallam Tribe	WA	526
Jamul Indian Village	CA	56
Jena Band of Choctaw Indians	LA	213
Jicarilla Apache Tribe	NM	3,403
Kaguyak	AK	9
Kaibab Band of Paiute Indians	AZ	252
Kaka, Organized Village of	AK	523
Kaktovik Village – aka Barter Island	AK	231
Kalispel Indian Community	WA	329
Kalskag (Upper), Village of	AK	99
Kaltag, Village of	AK	200
Kanatak, Native Village of	AK	107
Karluk, Native Village of	AK	189
Karuk Tribe	CA	3,165
Kasaan, Organized Village of	AK	143
Kasigluk	AK	532
Kaw Nation	OK	2,553
Kenaltze Indian Tribe	AK	1,183
Ketchikan Indian Corporation	AK	4,660
Keweenaw Bay Indian Community	MI	3,120
Kialogee Tribal Town	OK	277
Kickapoo	KS	1,605
Kickapoo Traditional Tribe	TX	880
Kickapoo Tribe	OK	2,505
King Island Native Community	AK	454
King Salmon	AK	78
Kiowa Indian Tribe	OK	11,088
Kipnuk	AK	702
Kivalina, Native Village of	AK	389
Klamath Indian Tribe	OR	3,320
Klawock Cooperative Association	AK	476
Kluti-Kaah (Copper Center)	AK	302
Knik Tribe	AK	296
Kobuk, Native Village of	AK	78
Kodiak Tribal Council (Shoonaq’)	AK	1,213
Kokhanok Village	AK	162
Kollganek Village	AK	261

Konglgansk, Native Village of	AK	369
Kootenai Tribe	ID	121
Kotlik, Native Village of	AK	571
Kotzebue	AK	2,629
Koyuk, Native Village of	AK	370
Koyukuk Native Village	AK	92
Kwethluk	AK	819
Kwigllingok	AK	408
Kwinhagak, Native Village of	AK	661
La Jolla Band of Luiseno Mis. Ind.	CA	696
La Posta Band of Diegueno Mis.	CA	20
Lac Courte Oreilles Band	WI	5,587
Lac du Flambeau Band	WI	3,143
Lac Vieux Desert Band	MI	442
Larsen Bay, Native Village of	AK	479
Las Vegas Tribe of Paiute Indians	NV	55
Leech Lake Band	MN	8,294
Lesnoi Village (Woody Island)	AK	255
Levelock Village	AK	166
Lime	AK	44
Little River Band of Ottawa Indians	MI	2,738
Little Traverse Bay Band	MI	3,521
Los Coyotes Band of Cahuilla Mis.	CA	286
Louden Tribal Council	AK	572
Lovelock Paiute Tribe	NV	369
Lower Brule Sioux Tribe	ND	2,627
Lower Elwha S'Klallam Tribe	WA	984
Lower Kalskag	AK	329
Lower Sioux Indian Community	MN	820
Lummi Nation	WA	3,889
Lytton Rancheria	CA	246
Makah Tribe	WA	2,389
Manchester Band of Pomo Indians	CA	621
Manley Hot Springs Village	AK	17
Manokotak Village	AK	475
Manzanita Band of Mission Inds.	CA	98
Marshall	AK	345
Mary's Igloo, Native Village of	AK	98
Mashantucket Pequot Tribe	CT	677
Match-e-be-Nash-She-Wish Band	MI	276
McGrath Native Village	AK	219
Mechoopda Indian Tribe of Chico	CA	380
Mekoryuk	AK	445
Menominee Indian Tribe	WI	8,074
Mentasta Traditional Council	AK	250
Mesa Grande Band of Diegueno Mis	CA	628
Mescalero Apache Tribe	NM	3,979
Metlakatla Indian Community	AK	2,096
Miami Tribe	OK	2,677
Micoosukee Tribe of Indians	FL	400

(Continues)

Appendix 1 *(continued)*

<i>Tribe</i>	<i>State</i>	<i>Enrollment</i>
Middleton Rancheria – Pomo	CA	76
Mille Lacs Band of Ojibwe Indians	MN	3,292
Minto, Native Village of	AK	224
Mississippi Band of Choctaw	MS	8,823
Moapa Band of Paiute Indians	NV	295
Modoc Tribe	OK	156
Mohegan Indian Tribe	CT	1,532
Mooretown Ranch – Maidu Indians	CA	1,193
Morongo Band of Cahuilla Mission	CA	1,055
Muckleshoot Indian Tribe	WA	1,712
Muscogee (Creek) Nation	OK	52,169
Naknek	AK	314
Nanwalek Village (English Bay)	AK	260
Napaimute Village	AK	125
Napakiak, Native Village of	AK	384
Napaskiak, Native Village of	AK	372
Narragansett Indian Tribe	RI	2,620
Native Village of Diomedea (Inualik)	AK	190
Navajo Nation	AZ/NM/UT	250,010
Nelson Lagoon, Native Village of	AK	50
Nenana Native Association	AK	499
New Stuyahok Village	AK	525
Newhalen Village	AK	195
Newtok	AK	313
Nez Perce Tribe	ID	3,300
Nightmute	AK	195
Nikolai Village	AK	81
Nikolski, Native Village of	AK	59
Ninilchik Village	AK	483
Nisqually Indian Tribe	WA	525
Noatak	AK	497
Nome Eskimo Community	AK	1,952
Nondalton	AK	439
Nooksack Indian Tribe	WA	1,537
Noorvik Native Community	AK	735
Northern Cheyenne Tribe	MT	8,036
Northfork Rancheria of Mono	CA	510
Northway	AK	256
Northwestern Band of Shoshoni	UT	433
Nuiqsut (Nooksut) – Native Village of	AK	450
Nulato Village	AK	680
Nunakauyak Tribe (Toksook Bay)	AK	654
Nunapitchuk, Native Village of	AK	473
Oglala Sioux Tribe of Pine Ridge	SD	41,226
Old Harbor, Village of	AK	573
Omaha Tribe	NE	5,427
Oneida Nation	NY	1,893

Oneida Tribe of Indians	WI	14,745
Onondaga Nation	NY	0
Orutsararmuit Native Village – Bethel	AK	3,798
Osage Tribe	OK	18,415
Oscarville Traditional Village	AK	77
Otoe-Missouria Tribe	OK	1,505
Ottawa Tribe	OK	2,290
Ouzinkie, Native Village of	AK	381
Paimiut	AK	67
Paiute Indian Tribe	UT	799
Paiute-Shoshone Indians – Bishop	CA	914
Paiute-Shoshone Ind. – Lone Pine	CA	295
Paiute-Shoshone Tribe – Fallon	NV	1,002
Pala Band of Luiseno Mission Ind.	CA	891
Pascua Yaqui Tribe	AZ	13,231
Paskenta Band of Nomlaki Indians	CA	282
Passamaquoddy – Indian Township	ME	1,314
Passamaquoddy – Pleasant Point	ME	1,927
Pauloff Harbor Village	AK	51
Pauma Band of Luiseno Mission	CA	132
Pawnee Indian Tribe	OK	2,560
Pechanga Band of Luiseno Mission	CA	1,372
Pedro Bay	AK	117
Penobscot Tribe	ME	2,194
Peoria Tribe	OK	2,662
Perryville, Native Village of	AK	267
Petersburg Indian Association	AK	418
Picayune Ranch. – Chukchansi Ind.	CA	1,173
Pilot Point, Native Village of	AK	160
Pilot Station Traditional Village	AK	537
Pinoleville Rancheria – Pomo Ind.	CA	186
Pit River Tribe	CA	1,667
Pitka’s Point	AK	161
Platinum	AK	71
Poarch Band of Creek Indians	AL	2,228
Point Hope, Native Village of	AK	841
Point Lay, Native Village of	AK	200
Pokagon Band of Potawatomi	MI/IN	2,730
Ponca Tribe	NE	2,095
Ponca Tribe	OK	2,618
Port Gamble S’Klallam Tribe	WA	984
Portage Creek	AK	78
Port Graham, Native Village of	AK	151
Port Heiden, Native Village of	AK	139
Port Lions, Native Village of	AK	352
Potter Valley Ranch. of Pomo Ind.	CA	194
Prairie Island Indian Community	MN	622
Prarie Band of Potawatomi	KS	4,870
Pueblo of Acoma	NM	6,344
Pueblo of Cochiti	NM	1,189

(Continues)

Appendix 1 (continued)

<i>Tribe</i>	<i>State</i>	<i>Enrollment</i>
Pueblo of Isleta	NM	4,441
Pueblo of Jemez	NM	3,486
Pueblo of Laguna	NM	7,825
Pueblo of Namble	NM	643
Pueblo of Picuris	NM	324
Pueblo of Pojoaque	NM	327
Pueblo of San Felipe	NM	3,131
Pueblo of San Ildefonso	NM	628
Pueblo of San Juan	NM	2,723
Pueblo of Sandia	NM	485
Pueblo of Santa Ana	NM	716
Pueblo of Santo Domingo	NM	4,492
Pueblo of Taos	NM	2,443
Pueblo of Tesuque	NM	404
Pueblo of Zia	NM	773
Puyallup Tribe	WA	2,490
Pyramid Lake Paiute Tribe	NV	2,133
Qagan Toyagungin Tribe (Sand Pt)	AK	620
Qawalangin Tribe (Unalaska)	AK	539
Quapaw Tribe	OK	2,657
Quartz Valley Indian Community	CA	159
Quechan Tribe of the Fort Yuma	CA	2,668
Quileute Tribe	WA	658
Quinault Indian Nation	WA	2,454
Ramah Navajo	NM	2,463
Ramona – Village of Cahuilla	CA	7
Rampart Village	AK	41
Red Cliff Band	WI	4,064
Red Devil Village	AK	28
Red Lake Band of Chippewa Ind.	MN	9,610
Redding Rancheria	CA	281
Redwood Valley Ranch. of Pomo	CA	156
Reno-Sparks Indian Colony	NV	577
Resighini Rancheria	CA	90
Rincon Band of Luiseno Miss. Ind.	CA	639
Robinson Rancheria – Pomo Ind.	CA	433
Rosebud Sioux Tribe	SD	24,134
Round Valley Indian Tribes	CA	3,494
Ruby, Native Village of	AK	162
Rumsey Indian Ranch. of Wintun	CA	44
Sac and Fox Tribe	IA	1,260
Sac and Fox Nation of Oklahoma	OK	3,025
Sac and Fox of Missouri	KS/NE	433
Saginaw Chippewa Indian Tribe	MI	2,921
Saint Michael, Native Village of	AK	399
Salamatof, Village of	AK	155
Salt River Pima-Maricopa Indians	AZ	7,371

Samish Indian Tribe	WA	1,154
San Carlos Apache Tribe	AZ	11,916
San Juan Southern Paiute Tribe	AZ	254
San Manual Band of Serrano Mis.	CA	151
San Pasqual Band – Diegueno Mis.	CA	529
Santa Clara Pueblo	NM	2,800
Santa Rosa Band of Cahuilla Mis.	CA	183
Santa Rosa Indian Community	CA	682
Santa Ynez Band of Chumash Mis.	CA	159
Santa Ysabel Band – Diegueno Mis.	CA	936
Santee Sioux tribe	NE	2,662
Sauk-Suiattle Indian Tribe	WA	152
Sault Ste. Marie Tribe of Chippewa	MI	30,324
Savoonga, Native Village of	AK	721
Saxman, Organized Village of	AK	175
Scammon Bay, Native Village of	AK	430
Scotts Valley Band of Pomo Indians	CA	147
Solawik	AK	844
Seldovia Village Tribe	AK	407
Seminole Nation	OK	13,642
Seminole Tribe	FL	2,817
Seneca Tribe	NY	7,118
Seneca-Cayuga Tribe	OK	3,674
Shageluk Native Village	AK	125
Shakopee Sioux Community	MN	326
Shaktoolik, Native Village of	AK	211
Sheldon's Point, Village of	AK	138
Sherwood Valley Ranch. of Pomo	CA	367
Shingle Springs Band of Miwok Ind.	CA	310
Shishmaref, Native Village of	AK	643
Shoalwater Bay Indian Tribe	WA	237
Shoshone Tribe of Wind River Res.	WY	3,400
Shoshone-Bannock Trbs. – Fort Hall	ID	4,535
Shungnak, Native Village of	AK	266
Sisseton-Wahpeton Sioux Tribe	SD	10,759
Sitka Tribe of Alaska	AK	3,241
Skagway Village	AK	48
Skokomish Tribe	WA	750
Skull Valley Band of Goshute Ind.	UT	118
Sleetmute, Village of	AK	126
Smith River Rancheria	CA	869
Snoqualmie Tribe	WA	616
Soboba Band of Luiseno Mission	CA	802
Sokaogon Chippewa Community	WI	1,163
Solomon, Village of	AK	68
South Naknek Village	AK	275
Southern Ute Indian Tribe	CO	1,375
Spirit Lake Tribe	ND	4,984
Spokane Tribe of the Spokane Res.	WA	2,305
Squaxin Island Tribe	WA	643

(Continues)

Appendix 1 (continued)

<i>Tribe</i>	<i>State</i>	<i>Enrollment</i>
St. Croix Chippewa Indians	WI	982
St. George	AK	131
St. Paul	AK	653
St. Regis Band of Mohawk Indians	NY	9,020
Standing Rock Sioux Tribe	ND/SD	13,419
Stebbins Community Assoc.	AK	642
Stevens, Native Village of	AK	199
Stewarts Point Rancheria	CA	599
Stillaguamish Tribe	WA	182
Stockbridge-Munsee Community	WI	1,531
Stony River, Village of	AK	59
Summit Lake Paiute Tribe	NV	94
Suquamish Tribe	WA	863
Susanville Indian Rancheria	CA	360
Swinomish Indian Tribal Comm.	WA	764
Sycuan Band of Diegueno Mission	CA	67
Table Bluff Rancheria of Wiyot	CA	360
Table Mountain Rancheria	CA	115
Takotna Village	AK	21
Tanacross, Native Village of	AK	126
Tanana, Native Village of	AK	942
Tatltlek, Native Village of	AK	91
Tazlina, Native Village of	AK	147
Telida Village	AK	3
Teller, Native Village of	AK	208
Te-Moak Tribe – Battle Mountain	NV	575
Te-Moak Tribe – Elko Colony	NV	1,594
Te-Moak Tribe – South Fork	NV	226
Te-Moak Tribe – Wells Colony	NV	202
Tetlin Village	AK	114
Thlopthlocco Tribal Town	OK	646
Three Affiliated Tribes	ND	10,789
Togiak, Traditional Village of	AK	868
Tohono O'odham Nation	AZ	25,588
Tonawanda Band of Seneca	NY	0
Tonkawa Tribe of Indians	OK	420
Tonto Apache Tribe	AZ	111
Torres-Martinez Band – Cahuilla Mis.	CA	532
Trenton Indian Service Area	ND/MT	1,532
Tulalip Tribes	WA	3,411
Tule River Indian Tribe	CA	1,425
Tuluksak	AK	508
Tunica-Biloxi Indian Tribe	LA	920
Tuntutullak, Native Village of	AK	384
Tununak	AK	247
Tuolumne Band of Me-Wuk Ind.	CA	350
Turtle Mountain Chippewa	ND	28,650

Tuscarora Nation	NY	0
Twenty-Nine Palms Band – Luiseno	CA	13
Twin Hills Village	AK	102
Tyonek, Native Village of	AK	581
Ugashik Village	AK	65
Umkumiute	AK	31
Unalakleet, Native Village of	AK	637
Unga, Native Village of	AK	87
United Auburn Indian Community	CA	244
United Keetoowah Band	OK	7,953
Upper Lake Band of Pomo Indians	CA	145
Upper Sioux Indian Community	MN	404
Upper Skagit Indian Tribe	WA	709
Ute Ind. Tribe of the Uintah & Ouray	UT	3,174
Ute Mountain Tribe	CO	2,012
Utuhwaitu Paiute Tribe	CA	136
Valdez Native Tribe (638 Tribal Org)	AK	424
Venetie, Village of	AK	237
Viejas (Baron Long) Capitan Grande	CA	268
Village of Ohogamiut	AK	26
Wainwright, Village of	AK	602
Wales, Native Village of	AK	267
Walker River Paiute Tribe	NV	2,219
Wampanoag Tribe of Gay Head	MA	1,001
Washoe Tribe	CA	1,582
White Earth Band	MN	20,820
White Mountain Apache Tribe	AZ	12,900
White Mountain, Native Village of	AK	275
Wichita and Affiliated Tribes	OK	2,174
Winnebago Tribe	NE	4,033
Winnemucca Indian Colony	NV	77
Wrangell Cooperative Association	AK	565
Wyandotte Tribe	OK	3,860
Yakutat Tlingit Tribe	AK	385
Yankton Sioux Tribe	SD	7,570
Yavapai-Apache of Camp Verde	AZ	1,763
Yavapai-Prescott of Prescott	AZ	159
Yerlington Paiute Tribe	NV	1,150
Yomba Shoshone Tribe of Yomba	NV	205
Ysleta Del Sur Pueblo of Texas	TX	1,270
Yurok Tribe	CA	4,466
Zuni Tribe of the Zuni Reservation	NM	9,780

PART II

**Political, Social, and
Economic
Organization**

CHAPTER 3

Women and Men

Martha C. Knack

Native Americans, like peoples everywhere, noticed that women were not biologically the same as men. Like others, they then incorporated those observed differences into their cultures, using them to construct complex webs of task divisions, kinship ties, rights, duties, expectations, roles, and customs. The ways Indian peoples used femaleness and maleness within their cultures differed from the ways Europeans employed those same biological facts. Since the early 1980s research into gender roles, stimulated by the rise of feminist anthropology, has produced a body of data that not only describes Native American cultural treatment of women and men, but also challenges and informs a series of broad theoretical questions of what human culture is and how it works. I will explore some of the Native American data that have provided productive insights into gender roles, fully realizing that these discussions are preliminary and will be expanded as research in this new and exciting field continues.

Some of the basic and elementary tenets of anthropology clearly apply to gender groups in North America. Native American women and men lived their lives, and continue to do so, within the total context of their cultures. Because culture is a complex, interrelated whole, all the various aspects of those cultures, discussed in other chapters in this volume, singly and in interaction shaped and were in turn affected by male and female lives. Therefore analysis of gender roles must be multi-causal. Furthermore, native cultures were (and are) not all shaped in the same way, so the multiple cultural features found to be most significant in one case might not be so in another tribe or at another point in history.

Within a single culture, there was never just one uniform female gender role and another male one. At minimum, roles changed from infancy to old age, with differing expectations, privileges, and opportunities at each stage. There was further variation, for not all adult women were married, not all men reached elderhood, not all wives were skilled basketmakers, or their husbands skilled fishermen, even where these were the expected norms. Such variation of personal chances, skills, and choices, however, is not the issue here. Individuals selected from among the available opportunities for

excellence and were socially rewarded rather than sanctioned as long as their decisions were from the culturally approved repertoire for persons of their gender and age. Here we will be examining the range of these culturally defined gender roles.

Another initial observation is that in native North America male/female distinctions, along with age and kinship, were categories used everywhere to organize people into social groups. In these societies without classes based on differential political power, routine distinctions of material wealth, or religious sectarian divisions, such as in Euro-American societies, gender was one of the small handful of characteristics that served to regularize relationships between community members. Those structured relationships involved both persons defined as male and also those defined as female (along with perhaps other, third or fourth genders, a topic beyond the scope of this chapter). No consideration of women in native North America, or anywhere else, can be successful without related discussion of men within that same society.

ARE ALL SOCIETIES DOMINATED BY MEN?

At the beginning of any discussion of women as a group in relation to men as a group, the question almost immediately arises of whether those men dominate the women. Many theoreticians have declared a universal “yes,” argued from general principles, but North American data refute this. Surely, it has been said, women everywhere were the ones who got pregnant and therefore were burdened by small children who absorbed their time and energy, requiring that men accomplish and control the other (more important) tasks. While indeed technology has not yet found any other way to produce babies, the rest of the argument need not follow. In native North America the woman who birthed a child was rarely expected to be the sole caretaker of it. As early as 1919 Elsie Clews Parsons described how the numerous women of an extended Zuni household shared childcare in order to free young mothers for tasks outside of the house (Parsons, 1919). Co-resident sisters and grandmothers tended youngsters, older daughters entertained infants, skilled clanswomen taught pottery-making, and neighbors in general kept a sharp eye out for any child in trouble. Such social arrangements intervened between the universality of biological childbirth and the presumed consequence, that mothers, or even women collectively, were burdened by childcare and therefore could not take part in larger social life.

A second argument for male dominance grew out of Lévi-Strauss’s symbolic opposition of nature to culture. Because of menstruation and childbirth, it was asserted, women were everywhere interpreted as closer to nature than were men, as wild things that needed to be tamed and controlled if they were to live in the human, cultural (male) world. Contrary to this purportedly universal intellectual association, many native North American ideologies saw culture as fundamentally female in character and source. Consider the Lakota, well known for their prominent male warrior roles. In their theology, White Buffalo Calf Woman was the supernatural being who brought to people the seven major religious rituals, seen as central to their culture, that included the Sun Dance and the vision quest. She also gifted them with the Sacred Pipe, and taught them how to hunt the all-important buffalo. It was an

undisciplined human male who was wild, tried to rape the culture-bearer, and was therefore destroyed (Powers, 1986: 40–52). North American data show that the symbolic underpinnings of the nature/culture theory for male dominance were not, as presumed, universal.

A third argument put forward for universal male dominance was based on a distinction between public and private life and the assertion that women's activities, mobility, and influence were always relegated to the domestic sphere, while men were active in public places and events. This assumed not only that private and public were indeed separate, but that the public was of greater importance than the domestic, so that male roles in that sphere led to, or *de facto* constituted, male dominance. To the contrary, women in pedestrian Great Basin hunting and gathering societies, for example, traveled widely and separately from the men in the process of food-getting and regular camp movement; there was no fixed "home" to be relegated to. The community was generally a small bilateral kinship group. Decisions on matters affecting the group (public politics) were synonymous with those pertaining to the kin group and took place through the mechanisms, and by the collective personnel, of the extended family. The domestic family unit was not a social isolate, separate from the public, and was hence incapable of isolating women within itself. On the second issue, it has been pointed out that the hierarchical evaluation of the public over the domestic is a theoretical bias rooted in European political traditions. Nation-states required the structural subordination of all component units, kin-based and otherwise, to the monopoly of power held by the state. Such state-based presumption of the greater significance of the public over the domestic, like states themselves, was exceedingly rare in native North America.

Eleanor Leacock inverted these discussions of male dominance that all presumed a hierarchical relationship between the genders and asked whether gender-egalitarian societies could exist and, if so, what they would look like (Leacock, 1978). Of course, by egalitarian she did not mean identical, which gender groups never are. Rather, she looked for equality, where women "held decision-making power over their own lives and activities *to the same extent that men did* over theirs" (Leacock, 1978: 247; emphasis added). It was not how many things women might or might not do in a culture that was relevant, but whether men were allowed to do things that women, by virtue of their gender, were not. If brides had no input into selection of their spouses and grooms did not either, then women's lack of spouse choice did not contribute to gender inequality in that culture. Leacock was urging that we look at particular qualities of specific "lives and activities" rather than at sweeping generalizations in order to discover what could produce gender autonomy. Using three well-researched North American peoples, Montagnais-Naskapi, Ojibwe, and Iroquois, Leacock suggested a relationship between economic factors and political decision-making as fundamental to gender equality. If women produced goods that were of value and also controlled how their work would be consumed or stored in the family, or given and traded beyond it, then they would have the right to make, and in fact be participating in, decisions that affected the community as a whole.

There are some specific rights and activities of women that empirically form a graded series – where women's ability to do certain things requires their prior ability to perform other specific actions. These rights and powers range across matters of

social structure, economics, politics, and other aspects of culture (Knack, 1989). It is not simply a matter, then, of whether a culture was male-dominant or gender-egalitarian, but a far more subtle range of diversity across American Indian societies. While no society in North America appeared to have ever been a matriarchy (in which women would have held power over men), there were many that were quite egalitarian, others less so, and some where women were quite subordinated. Not only did the degree of equality vary, but also the locus of dominance and subordination shifted. There were many different ways that men as a gender group exercised control over diverse aspects of culture. Numerous investigations of native North American cultures have shown that key factors range from social relations, through economic issues and political power, to ideology and conceptual systems.

SOCIAL STRUCTURE

Probably the logically most necessary and empirically most fundamental issue affecting gender equality is control over one's person. Perhaps the clearest manifestation of autonomy was the power to engage in that most personal of actions, sexual activity, and social acceptance of a woman's right to choose a sexual partner was an important measure of her status. In order not to confuse the separate issue of marriage and all the rights and obligations owed to others that a wife takes on, the form of autonomy at stake was specifically pre-marital sexuality. Nowhere in native North America was male virginity expected upon marriage, or its loss sanctioned; rarely was female virginity demanded, although in many cultures women were married very soon after menarche so that the chances of pre-marital pregnancy were minimized.

Throughout native North America marriage linked not only the individual bride and groom, but his kin group to her kin group. Marriage initiated mutual duties of hospitality and protection, economic sharing, political support, and ritual cooperation. Because each kin group benefited from these rights and became obligated by duties associated with the rights, both kin groups were active in selection of the spouse, and the in-laws, for their kinsperson. Many ethnographies mentioned both the mother and father of each spouse, sometimes even larger sets of male and female relatives, as actively involved in the choice. Especially where the couple married at a young age and for the first time, many cultures gave neither the bride nor the groom much choice, but argued that these important evaluations of long-term, best interests were better left to cool and mature heads. Public gift-giving between all parties indicated their willingness to honor these commitments.

In few North American societies were first marriages expected to endure a lifetime. In most, divorce could be initiated by either spouse if their relatives, who had been involved in the original negotiations and would be affected by the breakup, concurred. Personal incompatibility, lack of economic skill, sloth, or stinginess by the spouse or his/her relatives were common grounds for divorce. The woman would usually return to her kin group until she contracted a new marriage, this one more likely of her own choosing.

Collier used this impermanence of marriage as one of the keys for her subtle comparison of Comanche, Cheyenne, and Kiowa marriage systems. The fact that a

woman's relatives had the power to approve the marriage in the first place, to inhibit a marriage by not cooperating with in-laws, and to facilitate divorce by sympathizing with an unhappy bride and welcoming her home again, gave them greater control over the marriage than the groom's kin had (Collier, 1988: 226–230). Brideservice or bridewealth was a lure for their support and increased in amount when the spouses' kin groups were of unequal power or prestige. Husbands “give more to the brothers of high-ranking wives than to the brothers of low-ranking wives” (Collier, 1988: 196). This model shares elements with Lévi-Strauss's well-known analysis of marriage systems, in which he conceived of marriage as one form of reciprocal exchange, with women as the “ultimate good.” Groups of men, he said, gave sisters, unmarriageable because of incest taboos, to other men in exchange for marriageable women for wives (Lévi-Strauss, 1969). The overt sexism of such a model becomes obvious if we contrast it with another situation in native North America.

North America had the highest proportion of cultures tracing descent matrilineally of any continental culture area, 15 percent. Of that, roughly half the societies were also matrilocal, including many of those best known ethnographically, such as Apaches, Iroquois, Cherokees, Tlingits, and Hopis. Titiev's classic description of Hopi culture challenged any theoretical vision of marriage as groups of men exchanging women for wives (Titiev, 1944: 30–68). In fact, it raised the possibility that some societies might be better seen as groups of women exchanging men for husbands.

The women of a Hopi matrilineage segment owned a block of rooms in the village, and the activities of the extended family household who lived in those rooms were under the leadership of the genealogically senior women. Mothers and daughters were permanent residents, but brothers left to join their brides' households. In-marrying husbands as outsiders entered into a social space already structured by life-long ties of kinship, loyalty, and familiarity. A husband then farmed land assigned to him from the parcels controlled by his wife's matrilineal clan. The corn (maize), beans, squash, and other crops he raised provided the major subsistence for the household; immediately after harvest it was placed in the storeroom of his wife's extended family, to be allocated by the senior women. If that group at any time decided that his performance was unsatisfactory, the wife could signal a divorce by placing his clothing and personal possessions outside the door for the whole community to see; he would collect them and return to his natal family. This social structure generated in men many of the psychological stresses associated with insecurity and latent, inexpressible aggression (Schlegel, 1979), whereas the position of the women as the home party was secure.

Titiev's data also showed that Hopi men and women played different roles in the construction of the community as a whole. Each matrilineal clan or clan segment possessed not only houses and agricultural land, but also a ceremonial kiva chamber and the obligation to perform one of the complex rituals that made up the ceremonial year. No single ritual was complete in itself; rather, all had to occur properly and on time for the ritual cycle to attain its purpose, which was to honor the supernatural beings who brought sun, rain, corn, and harvest, and who thus assured life itself to the community as a whole. Days of prayer and material preparation preceded the public performance of the masked dancers. Participation in this vital religious duty was part of the culturally assigned responsibility of men in the Hopi division of labor,

and it was men of the matriclan – a woman’s brothers, mother’s brothers, sons, and sisters’ sons, not her husband – who did the ritual work of her matriclan. Those men were also responsible for teaching the intricate religious details to their clan heirs, their sister’s sons. In fact, as senior men of the kin group, they were responsible for the overall education of her children, including discipline. The father could not perform these functions; he had no right to know the clan rituals, being of a different clan, and was himself passing his ritual knowledge on to his sisters’ sons; further, his tenuous position as in-marrying spouse in the household would not support authoritative discipline. In order to fulfill simultaneously these critical, time-consuming tasks, men had to be physically close to their own clan households, not miles away in another village. Thus social structure combined with the division of labor by gender, Titiev argued, placed constraints on community organization. Villages could not be “owned” or dominated by a single clan, exporting brothers and importing husbands. Rather they had to be, as Hopi villages empirically were, composed of multiple clans, linked together to form a community by the mechanisms of clan exogamy and village endogamy and of ceremonial interdependence (Titiev, 1944: 171–178).

From this focus on marital roles in the construction of a single society, it was an easy step to view marriage as a mechanism linking two or more societies. Brown, for instance, analyzed the intermarriage of native women to European fur traders in colonial central Canada (Brown, 1996 [1980]). Those men came alone to the New World, so intermarriage was an asymmetric tie: while European men married native women, native men did not marry European women. The trader found that such a marriage brought him access to his wife’s kinsmen, as both suppliers of pelts and markets for trade goods. He also could rely on her knowledge of local geography, weather, and animal habits, and her skill in translating and in manufacturing locally adapted technology, such as canoes and snowshoes. In return, she and her kin expected favorable trade rates, special treatment, insider knowledge, and the prestige that these won them in the eyes of the native community. Native women, because of their gender, were able to accomplish this stable, mutually advantageous, interethnic union; native men were not.

An interesting elaboration on this pattern occurred on the Northwest Coast, where native societies were internally ranked. The earliest European fur trade there was not with land-based trading posts that needed stable relations with native communities, but from transient ships. High-ranking Coast Salish women would have been demeaned by short-term personal relations with traders and seamen, but they wanted to gain access to trade; they provided the sexual services of female slaves that they themselves owned in exchange for European trade goods (Wright, 1981: 531). As with the previous examples, here too the gender relationship must be understood within the larger social structure, the flow of economic goods, and in short, the entire cultural context.

ECONOMIC STRUCTURE

As we have already seen, it is difficult to discuss gender in native North American cultures without raising questions of economy. A number of elements of native

economic organization were gendered, including aspects of both production and distribution of goods.

Initial European observers almost always commented on the division of labor, so dramatically different from their own. While this feature was highly visible, worldwide, cross-cultural studies show that no production task has been everywhere assigned to women, even those one might expect, such as basketmaking. Brown asked whether gendered patterns might lie, not in the type of product, but in the characteristics of the work. She proposed that women's work everywhere was close to home, capable of being frequently interrupted without loss of technical quality, and physically safe (Brown, 1970). She assumed that cultures used the short interval when some women were mothers of very young children to define the tasks of all women. It was small children's home-based care that women must attend to, their interruptions that are uncontrollable, and their safety (not the women's) that must be guarded. In other words, Brown thought that women's work was made compatible with the demands of childcare, which Native American data do not confirm. Parsons documented that Zuni women, in addition to pooling childcare responsibilities as discussed above, also carried children on cradleboards up to, and even beyond, the age of walking. They carried small children this way to whatever location their work took them; they could concentrate on their tasks knowing that the restrained infants would not wander away and were safe from falls and scrapes. Zuni women, like women throughout North America, used both social organization and technological devices to shape childcare to fit their culturally expected economic roles, rather than having their economic tasks delimited by their motherhood.

No Indian culture had so simplistic a division of labor as the equation "men hunted – women gathered." There was far more to do: house-building, manufacturing clothing, gathering firewood, and so on. Even using a more complete list, a frequently heard oversimplification was that Indian division of labor was complementary, or worse still, "complementary but equal." Because none of these societies remain today self-sustaining by native means in undamaged environments, it is impossible, and has been since long before the professionalization of anthropology, to measure what percentage of the diet was produced by each gender, what percentage of the household possessions were made by each, or how the contribution of each gender was culturally evaluated, so this asserted equality cannot be proven. What we do know is that gender groups were not competitive economic units. Ethnographies too often have implied that there really was a discrete division of labor, a set of things that men did exclusively, and a separate collection of different things that women did. Asked to remember who did what in the "old days," most native people consulted by anthropologists have been able to quickly give a specific answer: men did this and women did that. But when those activities have actually been observed, the reality may be quite different. When I asked Southern Paiutes, for example, they stated quite firmly that men hunted and women gathered. Nevertheless, both historic records and contemporary observation showed that when Paiutes went to pick piñon nuts, men and boys climbed the trees and knocked down the cones, and later helped collect firewood to roast them open. Women harvesting grass seed brushed aside a clump and uncovered a field mouse doing the same thing; a quick whack with her digging stick and there was a bit of protein for supper. Who was hunting and who was gathering? Perhaps more important, Paiutes then and now have no custom of

shaming a woman who climbs onto her roof to repair it if she is the one who “has time” or of teasing a man who drives women to the berry patches and stays to help. At the first public meeting I attended in a Paiute community I noticed a habit that I later came to think of as “baby passing.” Infants on cradleboards arrived with their mothers and immediately passed into the hands of fathers and uncles, including the tribal chairman sitting at the head of the table running the meeting. Productive and social tasks are not strongly gendered in this culture. You can see a similar “soft” division of labor in the classic film *Nanook of the North*, in which, despite the supposedly strict sexual division of Inuit labor, wives rushed up to help their husband tug on a harpoon line and casually chinked snow between blocks of the ice house the man was constructing. I suspect that many native cultures had a division of labor that involved far more overlap and many more tasks performed by cooperative family teams than are mentioned in published ethnographies.

Throughout native North America women made necessary and valued contributions to the subsistence economy. World-wide ethnographic samples show that in hunting-gathering and horticultural cultures, women had important productive roles. Only with full-scale agriculture (differentiated from horticulture on the basis of the irrigation or other technological innovations), generally undertaken by men, were women removed from primary productive roles and made dependent. In native North America the only agriculture was in the pueblo Southwest; elsewhere economies were based on hunting and gathering with more or less fishing and farming, and the statistical pattern seen on other continents prevailed.

Euro-American feminist politics has suggested that women must “work outside the home” and their work must be equally valued (paid) in order to achieve equal “status,” often a vague and undefined term. Such a relationship between economic participation and political rights is probably not the linear relationship often presumed. In cultures where women produced nothing of social value and were totally dependent on male labor they probably had low social status, but it does not follow that if women did all the work they would be rewarded with all the prestige. In slave-based economies, after all, the producers were the lowest-ranked group. It has been suggested that there is a curvilinear relationship, perhaps resembling the statistical “bell-shaped curve,” between the variables of women’s economic contribution and their status: women’s status was lowest where they did either little or most of the productive work, and their status was highest in the middle range of production where they contributed 40–70 percent of the socially valued goods. Although it is difficult actually to measure production by gender in pre-contact cultures or even early historical periods when economies still functioned in approximately traditional ways, it appears that women’s economic contributions in most of native North America fell roughly within this middle range, suggesting on this basis that their status was relatively high.

There are more subtle questions than simply which gender group produced how much. To take one, how and from whom did people learn the skills they practiced as adults? The “complementary” model mentioned above would predict that men learned “men’s work” from other men (fathers, uncles, and grandfathers) and women from kinswomen. If the division of labor was more blurred, as I have suggested, then perhaps gender task-learning was also more flexible. For instance, the standard ethnographies reported that Great Basin children of both genders under

the age of eight or ten accompanied their mothers and other women on gathering expeditions. What was not so often mentioned was that while on these trips both boys and girls got their first lessons in animal observation, species habits, tracking skills, and capture techniques from their mothers. Under female tutelage it was the children's task to set deadfalls and nooses along the trails of lizards, mice, woodrats, and in short, to hunt "small game."

This leads us to consider the composition of work groups. Many feminist anthropologists have suspected that in gender-mixed task groups, men would take charge because they were reluctant to work under female direction, and that only in same-sex groups would women hold leadership positions. This proposal linked, of course, the structure of the social group to its leadership, a political factor. The most well-known case of all-female work groups is that of Iroquois women. Matrilineal descent and matrilocal residence produced extended families centered around kin-related women. These groups lived together in longhouses where they pooled the horticultural harvests that were the majority of the diet. Husbands and brothers helped clear new fields, but virtually all the rest of the work was done by teams of co-resident women. Their work was coordinated by the most genealogically senior, still active, and most botanically knowledgeable woman of the group (Leacock, 1978: 252–253). History frequently mentions women working in fields well away from villages who were attacked by passing war parties, vulnerable specifically because no men accompanied them. Similar all-woman work groups were described for hunting-gathering, fishing, and other horticultural tribes.

Another question turns on what happens to food and goods after they are produced. If women produced a great deal but had to hand it over to husbands immediately, then their economic contribution would not serve as the foundation for influence or power. The group of women in an Iroquois longhouse stored their field crops in pits for winter and allocated portions as directed by senior women. They also took deer brought in by husbands and sons, butchered them, and decided which parts to distribute to other households as demonstration of the family's generosity and which parts to store for future use. Corn grown by women was a major trade item with Hurons to the north, across the St. Lawrence River where it was just enough colder that crops were unpredictable; later it was traded to Europeans. Iroquois women's goods were socially valued as demonstrated by their exchange in the household, village, intertribal, and colonial economies. Furthermore, household women controlled the distribution of their own and their husbands' subsistence production and their own manufactured goods; women supplied the feasts that inevitably accompanied public religious festivals and men's diplomatic meetings. It has even been proposed that, because of their control over household stores, women could veto military expeditions by withholding the dried corn supplies and replacement moccasins needed by warriors, although no specific instance has been documented. Nevertheless, Iroquois women's control over food and other economic products was substantial and "household management" was itself the management of the 'public' economy" (Leacock, 1978: 253).

More dramatically, Northwest Coast women actively hosted potlatches, the ceremonial distribution of accumulated surplus that validated or elevated the donor's rank. Because the required amounts of food, carvings, peltries, canoes, slaves, and other forms of wealth far exceeded the production of any individual, the host,

whether male or female, required the labor of all the members of his/her household; by their cooperation those relatives indicated their support of the host's claim to rank. Women mobilized such support as well as that of additional political allies, and by hosting successful potlatches demonstrated their leadership skills. In the late 1800s, as native populations declined drastically but all traditional titles and ranks remained in circulation, women became as competitive as men in accumulating these designations of social prestige (Wright, 1981; Blackman, 1982: 45–50).

Some of the goods for these 19th-century potlatches were traded from Euro-Americans. Seal and otter skins had become the focus of interethnic trade on the Northwest Coast, as were beaver pelts across the Canadian interior to Iroquois country, deer hides in the Southeast, and buffalo robes on the Great Plains. This extensive trade changed relations between native men and women. Game products became commodities for the first time in native North America; the hunting was specifically for products to trade away to an external market. Unlike production for subsistence – production for domestic use – which has an end when the needs of the household and kin are fulfilled, production for the market is unending. It could and did lead to native exploitation of their environment. Iroquois quickly hunted out beaver completely from what is now New York State and went to war with neighbors to obtain more. Plains Indians participated in the reduction of buffalo herds. Native men did most of this hunting, but traders did not want the raw hides and the work of finishing the skins into pelts (a tradeable commodity) was done by women. Those women, like men, desired trade goods – iron pots, needles, scissors, and cloth for light summer clothes. They did not resist and sometimes encouraged their husbands' entry into trade. But the choice to hunt and process commodity furs also committed women to open-ended and apparently insatiable demands for their labor as hide-preparers.

It is well documented that the fur trade often shifted the native division of labor between the genders and perhaps their interrelations as well. Men spent more time hunting, which shifted more of the subsistence production onto women, while at the same time demanding that those women invest time finishing hides. It has been suggested that this double pressure on women's workload, more so than historical warfare and its production of widows, caused the increase of polygyny on the Great Plains. A good hunter could kill far more buffalo than his wife could process. Did women's labor, now in relatively short supply, become more valuable and increase women's status so that high male prestige was demonstrated by aggregating wives, or did women's status decline as they became simply a domestic workforce serving their husbands' trade ambitions?

Whether women's status improved or declined with the fur trade pivoted on whether they had previously held control over the disposition of their products to people outside their kinship network or village. When this was the case, they were often able to leverage this existing ability in the new interethnic trade. Historical records show sizeable numbers of Iroquois women with trade accounts under their own names, and it has been suggested that the already high status of women in this society increased during the fur trade period. On the Plains, women did not participate in the actual trade of buffalo hides, which may have contributed to or have been a reflection of a lessening social and political influence (Albers, 1989: 140–144; Klein, 1983; see also Perdue 1998: 65–85 on the Cherokee deer hide trade).

Economic factors of task division, organization of labor, work-team leadership, control over the finished product, and social value placed on goods as expressed by reciprocity and trade, all tell us about the relations between the men and women who made and consumed these things. Changes in these factors that took place after European colonization illuminate, and were constitutive parts of, the complex alterations in gender relationships taking place.

POLITICAL STRUCTURE

General anthropological models of gender status predict that control of one's own sexuality and marital life, combined with a socially valued economic role and control over one's product, could (but not necessarily would) form the foundation for legitimate political participation (Knack, 1989). This suggests that in much of native North America both men and women would have had rights to hold public office or at least to participate in decision-making processes. Of all the cultural variables discussed here, we know least about the political because this area of native life was both intentionally and unintentionally disrupted early and thoroughly by Euro-Americans. Systematic observations of functioning native political systems were very rare, and historical records spotty. There are, however, a few generalizations that can be safely made about gendered aspects of native political organizations.

In few North American societies were communities united under formal structures of political offices. More commonly, an individual gained influence after proving specific skills so that community fellows then chose to follow that person's suggestions when situations again required that ability; at other times, when different matters needed attention, that person had no more influence than anyone else. In all cultures there was a variety of such opportunities for demonstrated expertise, and hence a number of situation-specific leaders. Sometimes there was a preliminary kinship or status requirement, certain Iroquois offices being "owned" by certain clans, for instance, or a Northwest Coast potlatch host needing to be of the wealthy upper ranks, but nowhere was inheritance sufficient to entitle a person to a position without the additional qualification of demonstrated talent necessary to perform the job. Historical records most often mention "headmen" and (presumably male) "chiefs," and even the role of women leading the activities of women is rarely noted, but there are hints that some of these task-specific leaders were, in fact, women. We know, for instance, that in the Southeast, women were members of intertribal negotiating teams, and in the Great Basin, gathering-groups were coordinated by senior women. There has been very little research into the processes and mechanisms that women used to obtain these leadership positions, or how their methods compared to those of men.

The processes of routine, community decision-making were often subtle, and the gender of participants under-recorded by contemporary observers. Generally, public decisions were by consensus, rather than majority vote. The daily discussions that constituted the gradual consensus-forming mechanism were invisible to early European observers, often taking place within domestic contexts. Depending on the particular structure of the kinship group, women and men had more or less comparable voices politically. In many tribes where larger gatherings were customary, women

attended and either spoke directly or informed male spokesmen of their opinions. Such tribal councils were actively discouraged early in the reservation period, so our knowledge of how frequently women actually spoke, or how generally their suggestions were attended to, will never be known.

Women's political role is probably best documented for the Iroquois League. This confederacy of five, later six, tribes had a formal council of 50 sachems who had jurisdiction over issues that affected all member tribes, particularly war and peace with external groups. Specific matrilineal clans within each tribe had the right to fill a sachemship. Although the office-holder was always a man of that clan, he was nominated by a caucus of the clanswomen under the leadership of senior matrons, the same group that had the right to depose him. This formal privilege of naming public officers, combined with matrilineal descent, women's importance in farming, and visibility in both trade and ritual, resulted in the Iroquois often being called, mistakenly, a "matriarchy." Early European observers saw Iroquois women in far more numerous and prestigious roles than were their own women, and jumped to the conclusion that women had *more* power than men. In fact, Iroquois women's activities in *no* cultural sector put them as a class into power over men as a class. Women's horticultural contribution was balanced by men's hunting, their influence in domestic decisions by men's importance in warfare and community defense, and their nominations by men's fulfillment of public offices. The Iroquois were an instance of the kind of systematic and carefully constructed cultural balance between gender groups that was frequent across native North America.

Most analyses of women's political roles assume that, because women's lives were different from men's in their society and their interests diverged as well, therefore women recognized themselves, and acted, as a distinct group to protect and further those gendered interests. For instance, Perdue suggested that Cherokee women were more opposed to removal to western lands than were men. Women were the subsistence horticulturists who actually farmed the land, but had little role in the new economy, including traffic in deer hides and commercial cotton grown by slave labor. Women therefore had less reason to placate American traders than did their political allies among Cherokee men, and formed a gender-based opposition group (Perdue, 1998: 109–134).

Recently a higher percentage of native women have held tribal council offices than have general population women in U.S. legislative bodies. This may have stemmed in part from traditional cultures and hence may be regionally variable; women in the Great Basin, for instance, have been noticeably active, influential, and successful (Knack, 1989: 244). Miller suggests that historical, social, and economic factors have affected women's electoral success in Northwest Coast tribal organizations (Miller, 1992). When the Bureau of Indian Affairs (BIA) began to administer newly formed reservations in the 19th century and used its power to suppress native leadership, a tradition of male control was established. Among Northwest Coast tribes that were federally recognized only recently, however, tribal governments have had higher percentages of female officers. In small tribes, where getting elected is largely a matter of face-to-face discussions rather than formal campaigning and where family alliances are strong, women have been politically more active. Also where very large disparities of income have existed due to trades or skills not accessible to women – such as commercial fishing on the Northwest Coast – and women's economic contributions have been

comparatively devalued, men have dominated tribal politics. It appears that issues of social structure and economy, today perhaps expressed in slightly different forms, still affect the political participation of gender groups in native societies.

RELIGIOUS SYSTEMS

Women's roles in native North American religions varied enormously. In these polytheistic theologies, supernatural beings were almost invariably conceptualized as themselves having gender, even animal-figured beings such as Coyote (who was male). It is impossible to judge whether there were more numerous male beings than female ones, or which were more important. In many cases supernatural beings were paired and described in procreative intercourse. What relation is there between conceptualization of supernatural beings and human behavior? How do we understand the highly male-centered Lakota whose culture-creator was female, White Buffalo Calf Woman (although interestingly enough she ambiguously metamorphosed into a male buffalo calf)? It has been suggested that in societies where the origin of humanity was explained on a human-birth model (rather than from male beings or through non-birth mechanisms), women's status would be generally high. Whether symbolic representation carries over into social action, and is hence causal, or mythology merely reflects an already-existing high women's status, is unclear and perhaps incapable of proof.

Certainly the purposes of many religious rituals were gender-specific. Probably the largest category of ceremonies, after the shamanic curing of illnesses for men and women alike, was the girl's puberty ceremony, virtually ubiquitous across the western half of the continent. Its purpose was to transform a neuter girl-child into a fertile and marriageable woman. It was thought that girls at menarche were particularly malleable and that, through classic rites of passage, intense tutelage by female relatives and supernatural intercession would transform them physically, mentally, and even in character and disposition (Powers, 1986: 66–72; Titiev, 1944: 203–204). In many cultures the physical seclusion from men, withdrawal from ordinary cooking and housekeeping, observance of food and body-touching taboos, and bathing, initiated at this time, were repeated during subsequent menstruation and childbirth.

Early observers and anthropologists have described such fertility-related withdrawal customs as evidence that women were viewed as unclean and that men drove women from the community to protect themselves from pollution. Buckley, in reworking Kroeber's archived Yurok fieldnotes, found evidence that Yuroks, both men and women, interpreted menstruation and the blood of childbirth, not as a form of pollution, but as a sign of a uniquely female power (Buckley, 1982). Women protected the young and the male from exposure to powers not appropriate to them that would therefore be dangerous. They excluded themselves especially from any rituals that relied on powers of male origin in order to protect the ceremonial efficacy (Powers, 1986: 200–201). Buckley also reinterpreted Yurok women's ten-day period of seclusion, far longer than biological menstruation, as a culturally approved time of meditation that paralleled Yurok men's well-documented withdrawal to sweathouses for the same purpose. This reinterpretation of a classic ethnography has been supported by subsequent research in other cultures (Perdue,

1998: 29–31). Such revisionism has challenged the perhaps unconscious imposition of Euro-American cultural assumptions about the significance of basic biological functions and has revived the study of birth customs and pregnancy beliefs, much neglected since Parsons' early work.

Other categories of native rituals sought blessings for activities associated with women, especially horticulture. Often plant growth was symbolically identified with human reproduction, earthly fertility equated with childbirthing, and the renewal of the earthly world with the refreshment of human society. Thus, the most important event of the Cherokee ritual cycle, the Green Corn Ceremony, not only authorized the harvest, but also required forgiveness of debts and grievances and celebrated generosity, seen associated with women's role in distributing surplus food and nurturing human life (Perdue, 1998: 25–27). Five of the six major rituals that marked the Iroquois year were associated with plants harvested by women (Rothenberg, 1980: 80). Although Hopi deities, both male and female, were impersonated by male masked dancers, the purpose of the ceremonies was to assure rainfall for the critical corn crop. That corn was not seen, *à la* Freud, as a phallic symbol, but as a female fertility symbol, the Corn Mother. Only women were buried in their wedding garments, woven with the symbols of clouds and rain (Titiev, 1944: 108).

Not only were female reproductive and economic roles the topic of religious celebration, but women were also active participants, sometimes with designated roles. In some places, such as the Great Basin, women became shamans, although rarely as frequently as men; because of contradictory powers, other cultures limited this to post-menopausal women. Navajo curers were men, but most "hand-tremblers," who performed the initial diagnosis and identified the specific "sing" needed, were women. To conduct that dramatically male ritual, the Sun Dance, various Plain tribes required women of acknowledged sexual virtue and physical fortitude to fast, to cut the center pole toward which the pledgers danced, to make the necessary ritual garments, and to perform other special roles, such as, among the Lakota, reenactment of the role of White Buffalo Calf Woman who brought the ceremony.

As with social, economic, and political aspects of native cultures, it is impossible to make broad generalizations about the relative status of men and women within the religious domain. One cannot say that more supernatural beings were defined as female than male or that women were more prominent symbolically than men or had more of their interests ritualized than men's. What can be said with assurance is that, despite the often-cited menstruation taboos, women were fully acknowledged by and did participate significantly in religious life.

CONCLUSIONS

Nowhere in native North America were women's status and role identical to those of men in their own societies. Some of the factors that seem to have been particularly influential in determining women's actions and autonomy were social – the kinship structure, degree of spousal choice, form of marriage, possibility for divorce and remarriage, and residential organization. Economic division of labor, organization of labor teams and their leadership, existence of a public value and market for their goods, and ability to control the distribution of the products of their labor, all

influenced women's position in society. They found varying degrees of participation in public decision-making, discussion forums, and specified roles in political processes. Ideologically women's roles were expressed in conceptualization of the supernatural, ritual celebration of female life events and activities, and participation in key rituals directed at the public good. Every native culture assigned and assembled these diverse factors in unique ways. Although women's lives were different in each society, and different from those of men, they were everywhere visible and culturally valued.

When authors have tried to generalize about how native gender roles have changed historically and what factors caused that change (and by extension, what factors sustained these roles in the first place), the most common positions directly contradict each other. One major proposal is that women's status declined as Euro-American values and structures were imposed on them. The second is that men's roles as hunters and warriors were destroyed after reservationization and forced pacification, while women's lives, centered on the home and childraising, remained unchanged.

The hypothesis that the status of women declined is most clearly argued for cultures with matrilineal and matrilocal structures, such as the Iroquois or Cherokees. There, large households of related women formed the solidarity groups that supported a young bride's choice of spouse or divorce. Together those women formed production teams under the leadership of their most senior member, and kin groups often controlled access to economic resources, such as land. Euro-American policies specifically undercut these organizations. American law dictated that not only family name should pass from father to children, but material property as well; shares were received by his wife and own children, but no longer his sisters and sisters' sons, his heirs through the matrilineage. Missionaries, often connected to trade and reservation administration, decried sororal polygyny and extended families, especially matrilocal ones, as "uncivilized." They encouraged men to live in nuclear family households and bring their wives under their control (Leacock, 1978: 247-248; Rothenberg, 1980: 72-83). BIA policy channeled tools and agricultural education at men and urged them to support of their families through farming, thus taking over a primary productive role of women (Perdue, 1998: 115-134). Women lost the block of relatives they had relied on for support along with their economic role and opportunities for leadership, and became dependent on individual husbands instead. Government policies pushed for nuclear families with male household heads, reproducing the European cultural mode. Some native cultures already practiced bilateral descent and neolocal residence; in many others these structures were new, and altered dramatically the factors that undergirded women's status, causing it to decline. It could be argued that men's status also fell through historic time, but this model provides no guidelines for evaluating which gender group lost more and hence whether women's status declined, relative not to their own former status, but relative to that of men with whom they then lived.

The second generalization about women's status is that it changed less than men's, if at all, and that therefore women formed the stable core of native society and enabled the people to survive the disruptions of colonialism (Perdue, 1998: 10; Powers, 1986: 3). No matter how much the tribal political structure was decimated, the land lost, and the economy shattered, there was always, it is argued, the home and

the raising of children. Within their domestic sphere women were safe, even while men were stripped of their public life. Such a model is, however, short-sighted. It ignores the fact that native women had never been just wives and mothers, and that their extensive roles outside of the home were modified just as much as those of men. Furthermore, as suggested above, for some societies the very structure of the family was dramatically altered, inevitably modifying the gender dynamics between husbands and wives, relations between co-resident women, and the behavior of mothers to children. Surely the skills, mechanical and social, that these mothers were inculcating in their children had to alter as the adult lives for which they were being prepared changed through time. An assumption, overt or covert, that somehow the home was removed from the larger world and was a separate node of life isolated from the rest of culture, is necessary for this model, and is a false assumption.

Just as the cultures of native North America were not uniform, neither were their histories. Each tribe had a unique historical experience, parts of which affected women differently from men and to which they responded in gender-specific ways. Across the historical period the full range of social, economic, political, and conceptual factors discussed above were significant, and Native American women's and men's roles were affected in diverse ways. These factors are still influential on Native American women and men, and the relationships between them, today. The demographics of marriage, subtleties of family dynamics, actions and organizations of kinship groups, and adaptations of social structures to new social conditions are all important influences on gender relations today. Women's wage income, roles as crafts producers, and acquisition of educations that open career opportunities reflect the continuing significance of women to tribal economies. Women not only run for tribal office, but have taken cases to the U.S. Supreme Court in defense of treaty and individual rights, become tribal attorneys, been active in protest movements, such as the occupation of Wounded Knee in 1973, and organized innumerable grassroots and larger groups to deal with issues ranging from the improvement of community education facilities to international human rights. Women remain active in both native and novel religious organizations, as well as providing intellectual leadership in literature, poetry, the arts, and academic Native American Studies. All the cultural factors that constituted gender roles in the past, that were modified and restructured historically, continue to be important influences in the lives of Native American women and men today.

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CHAPTER 4

Politics

Loretta Fowler

This chapter discusses the efforts made by anthropologists to understand Native American politics, summarizes what is known, and suggests some of the issues that should be explored further. In selecting works to be discussed, for the most part I have eliminated ethnographies that subsume a discussion of political organization within a general description of a way of life. Politics here refers to the processes by which leaders are chosen, public decisions made, the public mobilized to cooperate (or not), and the struggle over these processes both within a community or group and between local groups and state organizations.

The study of Native American politics begins with Lewis H. Morgan's *League of the Ho-de-no-sau-nee, or Iroquois*, published in 1851. This study of the political organization of clans, tribes, and the Iroquois confederacy also touches on themes that occur in the study of Indian politics in subsequent anthropological work: evolutionary development of politics, political responses to colonization, intrasocietal conflict and competition, the centralization of authority, political mobilization, and state dominance. Morgan attempted to describe how leaders were chosen, interclan and intertribal cooperation secured, and decisions made. Making some first-hand observations and relying also on information from his Seneca friend Ely Parker, Morgan viewed the Iroquois political system as the "highest" of those developed among native peoples with a hunting way of life (p. 55). By elaborating on the family (clan and moiety [a division of a society into two descent groups]) relationship, the Iroquois modeled their confederacy after the clan and moiety organization (symbolized by a longhouse metaphor); that is, the association with family furnished the emotional and conceptual impetus for relations of reciprocity between the tribes that formed the confederacy. The sachems, representatives of the clans, held hereditary clan titles, but new conditions after contact with Europeans and Americans led to other leaders being involved along with the sachems in decision-making. Decision-making by consensus gave way under conditions of contact, so that the tribes took different positions toward the colonial powers. In many ways, this form of analysis

remains either the paradigm or the touchstone for the contemporary anthropological study of Native American politics.

THE DEVELOPMENT OF POLITIES

Almost a century after Morgan's work, Robert Lowie (1927) examined the evolution of government in native North America, contributing to anthropological theories of cultural evolution in general. Lowie contrasted North America with Africa, where state organizations had developed, and noted that in North America the population was significantly smaller and distributed in politically autonomous, scattered settlements (1948). Despite the widespread lack of centralized governments, the native peoples of North America had political organizations that maintained order. Ties based on kinship were not exclusive of territorial ties, as Morgan had argued; rather "kinship" was strengthened by propinquity. Subsequent anthropological reconstructions of "pre-contact" political organization in North America built on the idea that small-scale societies had political and legal systems, albeit ones based on consensus (that is, persuasion that neutralized dissent), and compartmentalization and circumscription of authority (see also Hoebel, 1936). However, neoevolutionary models of the 1960s and 1970s (see, e.g., Fried, 1967; see also Adams, 1977), based on these reconstructions, were challenged by scholars using the ethnohistorical method. William Fenton critiqued Morgan's analysis of the Iroquois confederacy, noting that it was modeled on both territorial and kinship principles (1965; see also Fenton, 1998, and below). William Sturtevant (1983) and Eleanor Leacock (1983) argued that neoevolutionary typologies were not an accurate reflection of social reality, that history is more complex than evolutionary theory suggests. John Moore (1987) disagreed with Fried on the characterization of "tribe" in his study of how the Cheyenne "tribal nation" developed from an alliance of bands, and he refuted the idea that tribes are created by or in response to nation-states. Cheyenne bands were multiethnic and multilingual populations that combined in the 18th century and established a tribal political organization and tribal religion that supported each other in a context of new economic opportunities.

POLITICAL REORGANIZATION: RESPONSES TO COLONIZATION

Radcliffe-Brown introduced a functionalist tradition (for example, see Provine [1937], who stressed the political and legal functions of a range of institutions in Plains communities, including military societies, ridicule, and religious leadership). The functionalist tradition also shaped the subsequent ethnographic reporting on politics in acculturation studies. Ethnohistorical work of the 1930s and 1940s, although having less impact on contemporary scholarship than the acculturation approach, reconstructed political change by applying anthropological perspectives to the study of primary documents. Oscar Lewis (1942) showed that when the Hudson's Bay Company had a monopoly, traders enhanced the authority of selected chiefs by conducting trade through them and by liberal gift-giving to these chiefs. Lewis argued that competition between companies resulted in the creation of many

chiefs and the decline of the prestige and authority of chiefs generally. Joseph Jablow's study of Cheyenne trade relations also concluded that band leaders' positions were enhanced by traders (1950). The increased reliance on horse raiding in order to obtain trade goods encouraged young men to defy the authority of chiefs and priests who tried to control raiding. John Ewers argued that the acquisition of the horse as a result of Spanish entry changed the nature of leadership on the plains. Men with many horses attracted horse-poor followers and leadership became associated with generous distribution of food and loans or gifts of horses (1955). Preston Holder (1970) showed how contacts with Euro-American traders, whose activities brought disease and necessitated increased raiding expeditions, resulted in young men unqualified for hereditary chieftainship challenging the authority of village leaders among the Arikara and other Prairie-Plains peoples. Nomadic groups, particularly Lakota who had direct access to guns and horses, were able to attain political advantage over the sedentary villagers once access to guns and horses became necessary for survival. As a result of these studies, the impact of trade in native North America was assumed to result in significant political change, and subsequent studies of Indian history adopted this perspective.

Gros Ventres' relations with English and French Canadian traders in the 18th century paralleled those of the Blackfeet. Traders initiated relations with established leaders in order to obtain horses and provisions and strengthened these men's positions by gifts, particularly guns (Fowler, 1982b, 1987). The privileged access to trade goods reinforced wealth differences in horse ownership. Fowler also argued that the nature of trade relations helped shape differences in political organization between Arapahos and Gros Ventres. Gros Ventres, who faced more intense intertribal warfare on the northern plains, organized into smaller bands and developed competitive institutions (for example, a moiety division among men's societies) to encourage vigilance and bravery in battle. More secure in their intertribal alliances on the central and southern plains and less dependent on trade, Arapahos emphasized unity. Their age grades were occupied by only one group of warriors (an age set) and they were organized into a few large bands controlled through the age grade system headed by religious leaders. In this system a cohort of men or women of similar age drawn from the different bands constituted a group (or "sodality") with specific pragmatic or ritual duties complementing those of the other age grades. Both the "organic" complementarity of the different age grades (they needed each other), and the fact that the members of each age grade were drawn from the different bands, contributed to the overall cohesiveness of Arapaho society.

On the southern plains, Comanches were not a singular "tribe" in the 18th and 19th centuries, but rather multiple independent units, each following its own best interests. Game, raiding opportunities, European and American trade, and gifts from competing Euro-American interests were differentially available temporally, geographically, and politically, so the different Comanche divisions developed different political organizations. The leaders of the divisions manipulated relations with Euro-Americans, but, depending on their opportunities, had varying degrees of authority (Kavanagh, 1996).

Expansion of American settlers affected native political institutions. The intensification of warfare and raiding in the late 19th century was responsible for a schism within the Cheyenne polity: bands headed by peace chiefs lost authority to bands

headed by warrior society chiefs (Moore, 1974). As Cheyennes came under attack by the U.S. army year-round and the buffalo declined, raiding became more important than hunting and the soldier chiefs attracted more followers than the council of chiefs. Arapaho hunting territory in Colorado was settled by Americans, which led to an emphasis on negotiations with the federal government for which intermediary chiefs were essential (Fowler, 1982a). These men presented themselves as friendly to U.S. citizens and, at the same time, were expected by Arapahos to obtain trade goods and prevent army attacks. Elderly religious leaders who formed a theocracy at the top of the age grade system helped intermediaries retain the support of other Arapahos. This cooperation mobilized public support for decisions that chiefs articulated in treaty councils; in contrast, Cheyennes were not unified and the many bands of Lakota lacked a pan-tribal political organization. Northern Arapaho chiefs participated in consensus decision-making, trying to persuade others to cooperate. Assisted by elderly ritual authorities, they worked to mobilize tribal members to support their efforts to counter plans to have Arapahos removed from Wyoming as well as to resist the federal government's efforts to undermine native institutions. They developed strategies, including the manipulation of political symbols with sacred associations, as well as economic resources, that influenced both federal officials and Arapahos. After 1878 Northern Arapaho political strategies developed out of tensions and conflicts with the Shoshone, who shared a reservation in Wyoming, as well as with federal officials. The Arapahos' consent to the federal policy of allotment of tribal land to individuals (see chapter 12) is understandable from this perspective – allotment gave Arapahos title to land not theirs by treaty. While some Plains peoples managed to unify behind intermediary chiefs, others were less successful. Contrasts in reservation tribal government in the 20th century reflect these divergent histories.

East of the plains, politically autonomous Cherokee villages voluntarily developed a state government in the 18th century to cope with the conditions of colonization (Gearing, 1962). At first religious officials coordinated the movement toward statehood, then new forms of coercion were used by military leaders. The Iroquois polity developed from the league of five nations, a compact of village chiefs, into the Iroquois confederacy by the late 17th century. The league became a symbolic system used by the confederacy during the next three centuries. Personnel of the confederacy more often than not lacked a hereditary title from one of the founders but had knowledge about league procedures. Confederacy policy was shaped by trade relations, and colonial trade and diplomacy was shaped by the Iroquois ritual paradigm. In the 18th century the orators who negotiated treaties and the influential war chiefs largely displaced the hereditary peace chiefs on the council, but the new leadership used league symbolism to legitimize their actions. Iroquois leaders adapted their political organization to the historical contingencies they faced and largely were unable to enforce unity of position in the confederacy (Fenton, 1998). At Grand River reserve in Canada the confederacy council was the reservation government during the 19th century, but the Iroquois developed political innovations in order to prove to Canada that the council was a viable government. The Mohawk chiefs (representing the most populous tribe on the reservation) came to exert the most influence, acting as brokers between the traditionally more prominent Onondaga chiefs and prosperous "warriors." The confederacy took on new roles relevant in reservation life and adopted voting as a means of decision-making (Weaver, 1984). At

Six Nations reserve in Canada, there was tension among the chiefs of the confederacy in the 19th century. Rival chiefs challenged the roles of others and ambitious, accomplished men resented not having chieftainships. Confederacy decisions became influenced more by the men without chief status. By 1924, the reserve adopted an elected council amid controversy (Shimony, 1984). In New York the Seneca were settled on several reservations, and other tribes of the confederacy were on other reservations. Although two Seneca reservations adopted an elective council, the chiefs and elected leaders worked together on a Six Nations council to pursue a land claim; each accepted the leadership of the other and combined traditional procedures (unanimity in decision-making) with American procedures (motions and voting) (Abler, 1984).

Where there was no tradition of centralized leadership it was common for the United States to favor one leader over another in distributing benefits and, thereby, introduce conflict on a reservation (Fallers, 1960), and for native leaders to establish alliances with missions or other sources of economic aid in order to strengthen their position (for example, see Walker, 1968).

Edward Spicer synthesized historical and ethnographic research in the Southwest region, comparing the actions of Spain, Mexico, and the United States toward native peoples (1962). He argued that colonial powers' policies influenced political change in native communities. Because of the paternalistic United States position, native communities were not integrated into the national society but, rather, their polities were disrupted and their communities destabilized. Federal dominance was particularly harsh on Apache reservations, while the more scattered and numerous Navajo were essentially ignored and the Eastern Pueblos, viewed already to have "governments," were relatively less supervised. The introduction of Indian Reorganization Act (IRA) governments based on elected tribal councils operating under written constitutions (see chapter 12) was received differently by each of these peoples, largely due to these contact histories.

CONFLICT AND COMPETITION

Anthropologists began to make direct fieldwork observations of political life and to study contemporary reservation politics in the 1930s. Greatly influenced by "acculturation" theory, in which the study of social change was based on comparing sociopolitical traits from the past with contemporary life, many anthropologists viewed resistance to change as "conservative." Acceptance of IRA or Western-style government was "progressive." Ralph Linton's collection of papers from fieldworkers is a good illustration of how political change was treated in acculturation studies (1940). Linton drew on Jack Harris's, Marvin Opler's, and Natalie Joffe's studies on the Shoshone, Ute, and Fox, respectively, characterizing their tribal governments as comprising "progressive" and "conservative" factions. William Whitman's 1936–7 study of San Ildefonso Pueblo, also in the Linton volume, described how a religious official selected and installed the governor, who governed in cooperation with a council of elderly leaders (ex-governors). In 1930 friction had erupted after several women established a pottery business that gave their families an economic advantage. The religious leaders relocated to the south section of the

pueblo, but the potters and their families stayed on the north side. When the religious authorities withheld ritual objects from the north side in 1930, the latter seized the ritual objects they wanted. With the support of the Bureau of Indian Affairs (BIA), families on the north side elected a governor and refused to return the cane of office (which historically had sanctioned the authority of the position) to the religious authorities. Subsequently, the south side refused to recognize the new governor. Whitman was uncomfortable subsuming this conflict under the progressive–conservative rubric. Nonetheless, the progressive–conservative factionalism paradigm dominated anthropological thinking about Indian politics for 20 years or more and, I believe, contributed to a stereotypical view of the political process.

For example, David French (1948) argued that “acculturation” had resulted in a conflict between two groups that disrupted Isleta Pueblo government. In 1941 the governor came in conflict with the council of ritual authorities whose duty it was to choose by consensus the civil officers (including the governor). With BIA support, the governor, who had gotten possession of the cane of office, ignored the wishes of the ceremonial authorities. French argued that the value system that encouraged individuals to ignore self-interest and concentrate on cooperation with others in the pueblo was undermined by participation in a money economy; thus, the religious leaders could not reach unanimity and a crisis ensued that allowed for BIA intervention. Pressure for a constitutional government began to build in this pueblo as well as some others (see also Fenton, 1957, on Taos).

Philip Drucker’s work on the Native Brotherhoods in Alaska and Canada (1958) was also influenced by the acculturation framework, but Drucker found a simple progressive–conservative model inadequate. He noted that the brotherhoods combined techniques borrowed from American and Canadian political groups with aboriginal values and institutions. With Western-style political advocacy, they mobilized the Indian vote to end economic and educational discrimination. Traditional chiefs came to serve as the leaders in local communities, and the organization helped to strengthen the potlatch ceremonialism, for it often served to represent the “opposite moiety” in exchange. The Brotherhood in Canada also gave native leaders committed to Indian rights experience in dealing with Canadian officials and businessmen. Intertribal political organizations in Canada and the Arctic emerged again as a central research topic for anthropologists after the 1970s.

Much of the work on conflict or factionalism in the 1960s followed or addressed the approach suggested by Bernard Siegel and Alan Beals, who (influenced by the processual approach of Victor Turner and Lloyd Fallers in the late 1950s) encouraged students of American Indian society to focus on conflict (1960a, 1960b; see also Swartz, Turner, and Tuden, 1966). They challenged the tendency of anthropologists to describe a society as a stable “social system” and to view individuals as working to maintain the system. Instead, Siegel and Beals proposed a dynamic model of society in which social relationships could be disruptive and individuals behave in self-seeking ways. They viewed conflict as an outcome of the interaction between external stress (particularly if it affected members of a society selectively) and internal strain. They proposed a typology for the study of conflict; one type, factionalism, was defined as non-adaptive, interpersonal conflict that was overt, unresolved, and an impediment to the achievement of group goals and cooperative activity. Factionalism came in two forms: schismatic (conflict between well-defined cohesive subgroups, which led to

the dissolution of the group) and pervasive (conflict between and within subunits of a group, which led to ineffective government). Siegel's ideas largely emanated from his and Fenton's work at Taos Pueblo. He described factionalism at Taos as pervasive. External pressures in the form of young people accepting wage work outside the Pueblo, which made them less dependent on Pueblo resources, and inability of veterans to obtain experience necessary to rise in the Pueblo hierarchy, contributed to a rebellion on the part of the veterans and a number of supporters drawn from relatives and sympathizers (Siegel and Beals, 1966). The authoritarianism of the Pueblo council leaders and the tension between the ideal of cooperation and unity and the reality of strong personalities who could manipulate the council created an internal cleavage that was aggravated by the external pressures.

In communities where legal enrollment did not correlate with reservation residence, "absentee" tribal members and reservation residents formed political interest groups that had different perspectives on tribal income and on the "termination" policy of Congress in the 1950s (see chapters 12, 14). Reservation residents generally opposed termination of the trust status of the community; those not living on the reservation were advocates for the sale and per capita distribution of tribal assets (see Stern, 1961–62; Walker, 1968; Clifton, 1968). Similarly, when Ernest Schusky did fieldwork in 1958–60 on Lower Brule reservation, conflict between Brule Sioux (Lakota) living on the reservation and those in urban areas developed over the use of money received for the loss of reservation land to a federally constructed dam (1994). In such cases, the reservations of the Brule, Klamath, Nez Perce, and Potawatomi, respectively, did not have the resources to support all the tribal members, which led to outmigration and resettlement in urban areas (see also Fowler, 2002). Neither Clifton nor Walker viewed "schismatic factionalism" as inevitably leading to social breakdown in the communities they studied, although they discussed these communities in terms of progressive and conservative factions.

In contrast to Siegel's and Beals's model of conflict leading to social breakdown, some cases of factionalism were described as having positive political functions, and the progressive–conservative schism was challenged by further ethnographic study. Canada's imposition of elective government led to conflict between hereditary Iroquois chiefs (some of whom were Christian) and those men ambitious for political office yet not qualified for chieftainship. There was no direct correlation between a "traditional" orientation and support of hereditary chiefs, for some practitioners of the longhouse religion favored the elective process (Nicholas, 1965; see also Dickson-Gilmore, 1999, who argued that among the Kahnawake Mohawk council/longhouse "factionalism" was a false dichotomy). Nicholas concluded that the conflict filled positive political functions because it helped reorganize government to be more effective in the new reservation context. (However, on other reservations, hereditary chiefs' councils governed.) James Smith (1979) emphasized that the turnover of leadership on IRA councils on Chippewa reservations in Minnesota was due to rivalry and frustration over BIA controls and that the conflict had a positive function because it worked to distribute jobs and leadership opportunities widely.

In the Southwest, other ethnographers found that, while the authoritarianism of Pueblo political structure often led to resistance against the hierarchy of ritual leaders, the conflict generally was not a struggle between "progressive" and "conservative" approaches (Dozier, 1966; Pandey, 1968). At Cochiti Pueblo the elderly ceremonial

leaders and the young men managed to compromise, so that World War II veterans and other young men not dependent on the Pueblo for their livelihood maintained their ceremonial responsibilities at the same time as they participated in economic innovations (Fox, 1961). S. Nagata argued that conflict between Hopi at Upper and Lower Moenkopi provided needed flexibility and checks on abuse of power; he found no correlation between these two leader–follower groups and progressive or conservative commitment or economic position, because each side controlled katsina ceremonies and reservoir water (1977); that is, each side could marshal both traditional and modern political resources. Using ethnohistorical work and oral histories, Whiteley argued that Hopi conflict that led to a schism (the secession of villagers from Oraibi in 1906) was a deliberate plan on the part of religious leaders to overturn the authority structure and create a new social order. Although even these leaders sometimes presented the conflict as a split between “friendlies” and “hostiles,” they used this symbolism to mobilize “commoners”; both sides opposed allotment and embraced the use of modern technology and wage work (1988). Most Hopi avoided a firm alliance with either group of leaders and, Whiteley concluded, accepted the tribal council as protection against a monopoly of power by men with control over supernatural processes and as an opportunity for “commoners” to obtain a power base. Pandey (1977) focused on factionalism at Zuni but discussed it in the context of BIA intervention (see below), rather than as a progressive–conservative schism. In one dispute over establishment of a school, all Zuni families favored school attendance. With the addition of several ethnographic studies and ethnohistorical work, labeling conflict groups as progressive or conservative became generally accepted as an oversimplification at best.

In California, where reservations were created for several different tribes with different sociocultural and historical traditions, conflict reflected not factionalism in Siegel’s and Beals’s sense, but a struggle for political autonomy (Brickman, 1964). At Fort Belknap reservation, federal policies forced Gros Ventres and Assiniboines into a competitive relationship, and this competition was central to the different political strategies each used in dealings with the federal government (Fowler, 1987).

By the 1970s the interest in describing “factionalism” as an indication of disruption and breakdown due to disagreement over innovation had waned. Anthropologists, continuing to draw on the process approach, focused on other issues, particularly the strategizing of leaders (who were described as agents of change, maneuvering to accomplish personal and public goals) and dominance issues.

THE CENTRALIZATION OF AUTHORITY AND THE FORMATION OF TRIBAL GOVERNMENTS

In the 1960s anthropologists focused on studying new nations politics in the Third World and, in the United States, the organization of IRA tribal governments after 1934, although in reality many native communities had elected councils before that time. Politically autonomous communities were coalescing into centralized governments, particularly where native people recognized the potential for more control over local affairs. IRA councils also were established when small communities found them advantageous (see Dozier, 1966; Hughes, 1966; F. Miller, 1966). Navajos in

politically autonomous local groups saw an opportunity to subvert the federal government's hated stock-reduction program and to pursue a claim against the federal government by embracing and seizing control of a tribal council, which had been imposed on them by the federal government in 1921. A local or "chapter" organization and the tribal council, to which chapters sent delegates, were accommodated to each other so that local leaders were able to interact with community members through consensus decision-making and persuasion while delegates represented the local communities' interests in a more assertive way. The new benefits obtained for communities by the tribal council created new political values, yet traditional values based on consensus decision-making and persuasion also were accommodated (Shepardson, 1962; 1963). Among the Jicarilla Apache (whose population was smaller than that of the Navajo but also organized in politically autonomous camps scattered throughout the reservation) an IRA council was imposed in 1959. It was regarded by the Apache with apathy and officials were resented. Several years later the possibility of oil royalties and other resources (federal programs, for the most part) motivated the Apache to use the council to wrest control of reservation resources from federal officials. The tribal council had more authority than the camps' headmen did in subsistence activity, because land was owned in common and the council could distribute tribal income (Wilson, 1964). Similar processes occurred elsewhere (see Hughes, 1966; F. Miller, 1966). Recently, native peoples have worked to organize IRA centralized governments in conjunction with federal recognition, protection of resources, and affirmation of cultural identity (B. Miller, 2001).

On the plains, most native peoples accepted IRA governments, believing that the change would lead to significant political or economic advantage. The Gros Ventre and the Assiniboine at Fort Belknap gave overwhelming support to an IRA business council (although they already had an elected business council of prominent men). The tribes at Fort Belknap were assured that, in reorganizing, each tribe would be politically autonomous and that they would receive economic assistance (in the wake of fires and floods that virtually destroyed the reservation economy). Although described as progressive by the federal government, the Gros Ventre leaders were integrated into the ceremonial system of moieties and otherwise conformed to traditional ideals of leadership (Fowler, 1984; 1987). In comparison, the Northern Arapaho, still led by religious leaders who supervised an elected business committee organized in the late 19th century to oversee the leasing of tribal land, overwhelmingly rejected organization under the IRA and refused to accept constitutional government because they did not believe the BIA would adhere to the terms of reorganization or help them develop and use their oil resources in the ways they wanted (Fowler, 1982a). In the Fort Belknap and Northern Arapaho cases, native ideas about authority and cultural identity were not incompatible with an elective government (see also Voget, 1980). Among the Arapaho and Cheyenne in Oklahoma, whose tribally owned lands had been allotted or ceded, elderly people were suspicious of reorganization and, as holders of individual allotments in trust status (see chapter 6), were wary of change. The chiefs who still served as political intermediaries were reluctant to make a transition to an elective government. Younger people, mostly landless and impoverished due to the work of the BIA's "competency commission" that had removed the trust status from the allotments of individuals

deemed “competent,” favored the IRA because of its promise of economic assistance. The IRA elective government accepted (by a majority but not a landslide vote) was a compromise between the old chiefs and the young men; both had formal representation on the council (Fowler, 2002).

The Cheyenne–Arapaho business committee became both institutionalized and culturally legitimated, but the IRA councils on Pine Ridge and Rosebud reservations faced ongoing opposition. The Oglala Sioux (Lakota) on Pine Ridge and the Brule (Sicangu) on Rosebud reservations were bitterly divided over the introduction of IRA governments and accepted them only by small margins. The controversy reflected a division in these Lakota communities between the New Dealers, that is, supporters of reorganization (and economic development), and the opponents, the Old Dealers. The Old Dealers perceived the IRA council as an institution that violated treaties. The treaty-rights ideology stressed that treaty provisions called for three-fourths majority rule (broad-based community participation) and government delivery of supplies and services. Reservation-wide councils had been previously operating on the three-fourths model; councils were made up of representatives from each district on these reservations. The councils were merely advisory to the BIA. Although Old Dealers were largely “Full Bloods” (culturally speaking) who held their allotments in trust status, and New Dealers were largely “Mixed Bloods” who had sold their land and stood to benefit from IRA programs, both the treaty and the IRA councils drew supporters from each group. Ironically, the older form of council was a functioning tribally based organization; the IRA council resulted in decentralization. The IRA councils reinforced federal dominance over the economically dependent Lakota; thus, dominance and dependence were linked. The Lakota did not challenge the administrative presence of the BIA despite everyday forms of resistance (dissimulation and appeals for reform) (Biolsi, 1992).

Business committee composition changed everywhere after the 1930s, particularly in terms of the age and gender of the persons elected. But these changes were due more to historical forces than to the IRA. Although IRA constitutions gave women voting rights and permitted them to run for office, the influence of War on Poverty programs and Civil Rights ideology (see chapter 14) usually were the impetus for women’s election to council office. Among the Cahuilla in California, as a result of outmigration, women in local communities took on more political responsibility and, in urban contexts, became involved in pan-Indian movements when California Indian communities were threatened by termination and other state and federal initiatives. Women’s political status and roles were transformed as they gained experience in wage work and pan-tribal movements, then served as leaders in the local Cahuilla communities (Bean, 1964; see also B. Miller, 1992).

POLITICAL MOBILIZATION

Using the process approach in ethnohistorical reconstruction (see, for example, Fowler, 1982a; Kavanagh, 1996) and in ethnography of contemporary communities, anthropologists examined politics in terms of actual events and of interactions between individuals jockeying for political influence and power. How leaders mobilized

support through the manipulation of symbols – acts, words, and objects that conveyed meaning – was an integral part of some of this work, which began in the 1960s and remained influential into the 1980s (for earlier studies with a similar focus on individual political strategizing, see Gayton, 1930; Richardson, 1940; and Llewellyn and Hoebel, 1941). Chippewa councilmen used joking to achieve unanimity and to exert control over the political process (F. Miller, 1967). Beaver leaders of hunting groups used religious symbols to affect the behavior of rivals (Ridington, 1968). In a study that lent perspective to the earlier work on factions in Taos, E. Smith examined how the traditional hierarchy at Taos engendered a compromise with young opponents, who also manipulated public opinion to gain leverage, in the context of a 1963 crisis over control of Blue Lake (1969). At an election in Zuni, candidates and their supporters maneuvered to arrange alliances in order to defeat opponents, all in the context of contemporary Zuni values about the reconciliation of nativistic and Anglo perspectives (Pandey, 1968).

Among Hopi, a dispute between “traditionals” and “progressives” involved two conflicting ideologies and the manipulation of prophecy. Traditional leaders fought actions of the IRA council, using prophecy to mobilize support. Thus, the mythic process was politicized, and ritual positions took on increased political importance. Both Hopi priests who opposed federal domination and tribal council leaders used myth as political ideology. Events originating outside Hopiland were subsumed under Hopi categories of history and culture. In the 1970s, there was an emphasis on prophecy – specifically, the return of the White Elder Brother (which became associated with the “Great Spirit”) who would achieve vengeance for the Hopi by destroying Americans. The White Elder Brother symbol had potentially multiple meanings. Tribal council leaders developed their own interpretations of Hopi history and culture, justifying actions such as coal leasing and Navajo removal by prophecy (Clemmer, 1969; 1978). In the Hopi village of Polacca, each side used symbolic action in the form of gossip and clown performance to undermine and compete with the other (Cox, 1970). Tribal council supporters characterized traditionals as a hindrance to progress and a danger to Hopi survival. The traditionals characterized tribal council members as responsible for Hopi misfortunes because of their violation of the Hopi teachings. Supporters of both groups of leaders accepted modern technology, formal education, and religious innovation. At Moenkopi there were two village settlements, one under tribal council leadership and one under a traditional chief. Originally the cleavage was based on competition between ceremony-owning clans (which held the chieftaincy) and those without ceremonial prerogatives (who embraced the tribal council), but people in Moenkopi maneuvered by switching sides and playing each side off against the other, thereby gaining flexibility in dealing with modern innovations and exerting a check on the powers of each sphere of leadership (Nagata, 1977). Political rivals, the Hopi traditionals and tribal council leaders, used similar innovative tactics – public meetings, use of English, recording of activities, secularization – to reinterpret and negotiate the meaning and the symbols of prophecy (A. Geertz, 1994).

Navajo leaders maneuvered to generate consensus, some local leaders operating informally, influencing people through their organization of ceremonies and their moral authority. The leaders elected to positions at the local level or as delegates to

the tribal council were bilingual men with good reputations. These informal and formal leaders complemented each other and helped each other generate group consensus in meetings (Donald, 1970). Navajo disputes in the 1960s over stock reduction, elections, and a legal aid worker occurred over the short run and were eventually resolved through compromise and mutual adjustment (Shepardson, 1971). Lamphere (1977) showed how Navajo individuals built up a support group for all kinds of activities. The local chapter organization at Cooper Canyon controlled job opportunities, and applicants used culturally appropriate ways of building support among officers for obtaining positions. The new tribal organization represented an innovation, but one accomplished on traditional terms, including an ideology of cooperation.

Focusing on the link between institutionalization and symbolization, between political relations and political symbols, Fowler showed how Northern Arapahos generated, or failed to generate, support for elective offices through the manipulation of symbols that expressed traditional concepts about good leadership qualities, proper decision-making, and legitimate authority. Events during a particular election served to illustrate how political symbols were manipulated by candidates. "Blood" symbolism of cultural identity, as well as other kinds of symbols, were used to attract support for some candidates and undermine others as these symbols conveyed commitment, or lack of it, to Arapaho ideals and goals. Elections served as a testing ground for innovations; for example, young people tried to convince older Arapahos that they were qualified for leadership positions. There was little turnover of elected officials, unlike on many other plains reservations (Fowler, 1978). Elected officials had an advantage that officials of many other tribes did not: the Arapaho had a large income from mineral resources, and the elected officials controlled some of this income and the remainder was distributed per capita, which provided a safety net for their constituents when federal programs were underfunded and development projects failed. Business committee members acted in ways that defended Arapaho interests and provided support of various kinds to constituents. They symbolically expressed the ideals of protecting and providing for the people through resource distribution and advocacy in dealings with non-Arapahos (Fowler, 1982a).

Mohawk political groups used constructs of the past (specifically, the circumstances surrounding the introduction of elective government) as "moral fuel" for activism. Conflicting interpretations of the past served to mobilize support for the goals of two rival groups (Dickson-Gilmore, 1999).

The process approach also was introduced in the ethnographic study of native communities in Canada (see Paine, 1971). For example, in a study of political middlemen in an Inuit hunting community in the 1960s, Freeman found that the Royal Canadian Mounted Police official there was all-powerful, although an elected committee acted as liaison and advocate (1971). The head of the committee was a traditional leader (good hunter and good man who was cooperative, generous, and non-aggressive). When another good hunter, who was perceived as aggressive and uncooperative, expressed ambition for the position, he was elected out of fear of his aggressive nature. Despite his success at advocacy, the community had ways of sanctioning his behavior, and he soon left the community. The police official did not.

DOMINANCE AND RESISTANCE, LOCAL-LEVEL AND STATE RELATIONS

In the 1960s some anthropologists were focusing on power differentials between Indian communities and federal authorities, examining how federal dominance affected local politics. As in other parts of the world, political middlemen were a focus of interest, caught as they were between the expectations of local constituents and federal authorities. Where the elected business council came to be viewed as able to shape community affairs, the council became stronger (Shepardson, 1963; Basehart and Saski, 1964; Wilson, 1964; Fowler, 1982a). Where the council was perceived by constituents as powerless, it had little authority. In small Cree communities in Canada in the 1960s, local middlemen, who were federally appointed and denied any decision-making power by the Canadian government, could not gain legitimacy (Kupferer, 1966; Rogers, 1965; see also Stern, 1961–62). At Zuni the civil officers were not considered legitimate because the BIA intruded into the selection process and often supported a minority position over group consensus (Pandey, 1977). The BIA created a conflict of interest between Paiutes settled on a ranch property purchased for them by the federal government and those in a less favored area of settlement (Hittman, 1973). The IRA council was established among the Hopi on condition that village chiefs would certify the representatives and their actions, but the BIA allowed this agreement to be circumvented, thus encouraging the dissent of subsequent decades (Clemmer, 1978).

Before the civil rights era, most groups relied on passive resistance. For example, the Fox community perpetuated traditional political patterns despite accepting an elective council (W. Miller, 1960). But the Civil Rights movement encouraged more militant resistance. The 11,000 rural or “tribal” Cherokee (70 named settlements of kindred oriented to ceremonial centers) ignored the elected, representative government of what was known as the 30,000-member Cherokee Nation (or “Whiteman’s business”), which was formed when persons legally recognized as Cherokee, but culturally distinct from the tribal Cherokee, allied with state and business interests in the 20th century. Hunting and fishing were central to rural Cherokee identity (in the context both of religion and of treaty relations), and when the state of Oklahoma tried to interfere with those rights in 1965, a consensus developed among the tribal Cherokee to fight the state. In 1966 the rural Cherokee organized the Five County Northern Oklahoma Cherokee Organization and chose officers by consensus (all of whom were ceremonial leaders). Forming a loose coalition of politically autonomous settlements, they held meetings where delegates from the settlements spoke and strategies were developed to challenge land fraud, treaty violation, and the right of the Cherokee Nation to represent them. Outside funding of the organization led to problems maintaining legitimacy as a grassroots organization, and in 1973 the organization disbanded. Nevertheless, the rural Cherokee had institutionalized a tribal or national government on their own terms during the late 1960s (Wahrhaftig, 1966; Wahrhaftig and Lukens-Wahrhaftig, 1977, 1979; see also Fogelson, 1977).

Western Shoshone leaders rejected an IRA government and formed an alliance based on chieftainship (Clemmer, 1973). They used dramatic, public acts to insist on

inherent sovereignty and worked on behalf of hunting and fishing, treaty, and civil rights. Like the Hopi traditionalists, they rejected the strategy of filing land claims, insisting that land cannot be sold. In short, these leaders opposed the elected tribal councils in the Great Basin region, whose strategies for maximizing access to resources differed from theirs. The goals of both groups of leaders were similar and, in fact, they cooperated on some issues, such as peyote use, taxation of pine nuts, and hunting and fishing rights. The traditional leadership council was tribally (multi-community) based (in fact, a post-contact innovation), while elected tribal councils were communally or locally based. The IRA councils were accepted by some Goshute communities, and these councils were particularly concerned with federal programs. The constituencies of these two leadership groups overlapped; that is, grassroots Shoshone and Goshute people relied on both the traditional leadership and the IRA councils. By 1985 the Hopi Tribal Council had incorporated much of the Traditionalists' agenda, and traditional leaders were candidates for election (A. Geertz, 1994; Clemmer, 1995).

Joseph Jorgensen argued that a metropole-satellite political economy constrained native leaders: the prosperity of the (largely non-Indian) metropole was made possible by the poverty of the satellite American Indian communities (1971). Jorgensen's work influenced that of Richard Clemmer, Robert Bee, and others. The Hopi were pressured by the federal government to sign mineral leases that supplied electricity and coal to the American metropolis and gave huge profits to multinational corporations, yet brought the Hopi little control, little employment, and considerable environmental damage. Nonetheless, Hopi tribal council leaders won increasing support because the royalty income became crucial to the Hopi economy (Clemmer, 1978, 1995). Among the Quechan, War on Poverty programs raised expectations after 1965, forcing elected leaders to try to balance two strategies – the manipulation of networks in Washington DC and the manipulation of resources locally to provide help to constituents (Bee, 1969, 1979, 1981, 1982). Because resources were scarce, these activities were inevitably in conflict because lobbying Washington officials drained funds available for local patronage. This problem led to dissatisfaction with elected officials and considerable turnover in officials' positions. Leaders' adaptive strategies developed in a context in which local politics was shaped by regional and national political-economic conditions (Bee, 1982). Unlike the Northern Arapaho, the Quechan had no resource base that could generate a sizeable income. Poverty programs and "638" contracting (after 1975; see chapter 14) provided jobs but not long-term growth. In Washington tribal officials had to maneuver among both congressional and executive branch officials, competing with other tribes and other interests, in order to try to alleviate poverty on the reservation. Their efforts were undermined because congressional leaders had primary commitments to the economic interests of non-Indian constituencies.

By the 1980s anthropologists were focusing on how local politics articulated with global/regional/national systems so that local leaders were not mere passive victims of dominance but agents of change, as well (see Clemmer, 1995, for example). Studies of tribal politics examined how the self-determination movement affected internal social divisions within native communities and explored the relationship between dominant ideologies and social action (hegemonic and counter-hegemonic

processes in the terminology of Antonio Gramsci, referring to the orchestration of consent and resistance to that form of power).

In Canada native peoples made significant gains in land rights and self-determination. The Cree responded to the threat of termination of federal protection in 1969 and to the proposed construction of the James Bay hydro-electric project, which would have flooded and disturbed hunting territories, by organizing a pan-Cree political movement that united numerous small, formerly politically autonomous communities. Cree authority traditions were based on the steward role: 300 stewards supervised hunting territories, their authority supernaturally sanctioned and based on hunting ability and knowledge of the region, but also compatible with consensus decision-making and a caretaker role toward those in their territories. Villages also had chiefs and band councils responsible to the Canadian government whose duty was to manage government resources. In the 1960s young people with experience in the wider society returned and introduced new political ideas. A regional Indian organization was established in 1967 (Indians of Quebec Association [IQA]). By 1971 the stewards, chiefs, and councillors had become interdependent leaders. The threat of the hydro-electric project strengthened this association. Consultations with elders produced the central strategy: elders interpreted the hydro-electric project crisis in terms of their perception of the history of Indian-white relations and their desire for social and politico-economic autonomy. Crees negotiated a settlement in 1975, obtaining hunting territories, the right to be involved in the management of the environment and any development in the region, and the guarantee of income supplements for a hunting way of life. The settlement was ratified in the villages, and a regional Cree organization separated from the IQA and maintained political independence from non-Indian interests (Barger, 1980; Feit, 1982, 1985). This movement developed a political consciousness that focused on the concept of a Cree homeland where subsistence hunting and native political traditions could exist. By 1981 a stronger pan-Cree identity had formed, and there was more political activity in villages where leaders interacted with the province, federal government, and media, while maintaining consensus decision-making in local councils. The association of hunting with Cree identity became an ideology that prevented the emergence of cleavages between leaders and their constituencies. Leaders were viewed as legitimate, effective, and independent of Canadian officials (Salisbury, 1986).

The Canadian termination policy of 1969 and a proposed pipeline through Dene territory (Northwest Territories) sparked a resistance movement there. Dene leaders organized a regional brotherhood, insisting on self-determination and the abandonment of the pipeline. Hunters gave testimony to an official inquiry about the pipeline. From this movement, which derailed the pipeline, developed the Dene Nation, founded on the ideal that the traditional lifestyle of hunting was a rational one that should be facilitated. Traditional consensus decision-making, rather than representative government, was embraced, and leaders effectively countered policies of assimilation (Helm, 1980; Asch, 1982; see also Rushforth, 1994). The Arctic Inuit also developed a pan-Inuit movement using traditional styles of negotiation to obtain political autonomy in the Northwest Territory (McElroy, 1980).

In the United States, the Lumbee Indians mounted a successful advocacy movement in the context of regional and national politics. From a legal designation as "free persons of color" in the 19th century, these non-reservation people gained social and

legal acceptance as Indians, and in 1956 a congressional declaration that they are Lumbee Indians – although not entitled to the legal benefits of tribes officially recognized by the U.S. as “tribal entities.” Because they lacked a membership list and a formal political organization (with ties to the BIA and based on election to office) they developed several useful political strategies, including incorporation of external activist leaders and defensive violence. The encouragement of individual or group efforts on behalf of the group made for a series of victories with regard to legal identity and educational goals; despite occasional conflict between the internal and external political leaders, the results were positive for Lumbee interests. In the 1960s Lumbees worked with black civil rights leaders in Robeson County to attain more influence over local decision-making. The Lumbees’ political activity was shaped by their own and others’ sense of Lumbee identity, and leaders were able to use symbols of identity constructs to mobilize support and influence opponents (Blu, 1980).

Members of a Mohawk social movement seized a site in upstate New York in 1974, which the group claimed as sovereign territory. These Mohawks, refugees from a clash with Canadian authorities, successfully negotiated with the state government a *de facto* reservation on state land despite local non-Indian opposition. The Mohawks understood the political process as part of a long-term (since colonial times) commitment to sovereignty, and they manipulated political symbols, including those of “traditional” Indian identity, to accomplish their goals. Responding to the actions of federal, state, and media participants over time, they changed the political symbols and their meanings to accomplish these goals. The opposition of local whites was not based primarily on racism but on concepts of ethnicity and divisions between rural and urban New York (Landsman, 1988).

A struggle over Ojibwe fishing rights in Wisconsin took place in the context of the dominant society’s contestation and criminalization of hunting and fishing and of its ideologies of equal rights versus special rights and of racism (see also Biolsi, 2001). A neotraditional movement succeeded in giving the exercise of fishing rights new symbolic importance (linking spearfishing to spiritual responsibility) and portraying the elected tribal council as lacking traditionalist values. They used prophecy and an alliance with non-local, non-Indian groups to achieve political goals and, in the process, a new polity based on an alliance of tribes and bands in northern Wisconsin emerged during the 1990s. These changes occurred in the context of “global transformations in the value of indigenous cultures in the world-system” (Nesper, 2002: 202; see also chapter 16).

The Alaska Native Claims Settlement Act (ANCSA) of 1971 created settlement-based native corporations throughout the state which hold land as private corporate property, and have native shareholders (see chapter 13). Among the Tlingit and Haida, elected corporation councils largely replaced IRA councils that had helped promote commercial fishing in the area, as well as the Tlingit and Haida council created in 1939 to pursue the eventually successful land claim. The ANCSA corporations distributed a cash settlement to the native stockholders and managed a land base (largely timber stands) in the interests of the corporations’ native shareholders. The elected, ANCSA corporation councils became elites, controlling the new jobs brought about by the ANCSA bureaucracy. There were not enough jobs for all the Tlingit and Haida; therefore, a marginalized sector of the population was created, consisting of households dependent on subsistence hunting. Because the

corporations allowed the clearcutting of timber and escalated sales to raise money for dividends, ANCSA resulted in the erosion of the subsistence base and increased marginalization of the poor. A conflict of interest developed between stockholders resident in the villages (who wanted patronage jobs and economic development) and the non-resident stockholders who wanted cash payments. Those born after 1971 were non-shareholders and were not entitled to dividends. Subsistence households and non-shareholders became opponents of the ANCSA leadership; many of these formed the membership of fundamentalist Christian sects who opposed the native culture programs of the ANCSA leadership (see chapter 19; see also Dombrowski, 2001).

Political divisions also were based on divergent life experiences of age groups. In the wake of the Indian Self-Determination Act of 1975 (see chapter 6), the people of Fort Belknap reservation began to take control of the administration of reservation programs. There also was a movement to revive ceremonial life. Different life experiences of elderly people and youths on and off the reservation resulted in competing visions about how to transform reservation political and ritual institutions; the eventual compromise, based on kinship obligations, was an accommodation between the perspectives of the contestants (Fowler, 1987). Similarly, the 1983 court decision upholding the Ojibwe's right to hunt, fish, and gather sparked a clash between two interpretations of the meaning of cultural identity and its relation to spearfishing. The oldest generation, who came of age in the IRA era, was committed to cooperative relations with the surrounding non-Indian community in Wisconsin and the individualization of cultural identity. The younger generation, with ties to the Red Power movement of the 1970s, opposed the tribal council's desire to lease hunting/fishing rights to the state in return for per capita payments and economic development (see chapter 16; see also Nesper, 2002).

In Cherokee politics, hegemony is both reproduced and challenged by two competing racial ideologies – race as nation and race as blood quantum. Racial politics were behind the resurrection of the Cherokee state in Oklahoma between 1946 and 1976 when White Cherokee elites manipulated race as nation to justify their right to political power. The “fuller” blood Cherokee now use race as blood quantum to contest the elite's claims to power. In dealing with the federal government, the elite successfully challenged the federal government's one-fourth quantum requirement for various services and got an expansion and improvement of those services for all Cherokee. To some extent, the full-blood community internalized the hegemonic notion that the degree of “culture” corresponds to the degree of “blood,” and this has become an ideology of opposition to the elite. On the other hand, behavior defines identity in many contexts. Blood ideologies also are a source of oppression in the case of the freedman (Black Cherokee) population, former African slaves of Cherokee planters who were given Cherokee citizenship at the end of the Civil War, but who continue to struggle for their Cherokee citizenship rights (Sturm, 2002). Issues of legal enrollment that center on “blood” are common to Native American politics, although they play out differently depending on local histories.

The Cheyenne–Arapaho business committee took advantage of the Indian Self-Determination Act of 1975 and associated initiatives to contract programs from the federal government, establish a casino and other businesses (including oil wells), and implement taxation of non-Indian businesses on tribal land. Although the 1975

revision of the Cheyenne–Arapaho constitution was supervised by the BIA, it did not provide for administrative responsibility in these areas. By 1975 urban tribal members had begun to be involved in tribal politics in order to influence the distribution of money for a land claim award. They introduced a new discourse about Indian leadership based on an ideology promoted by American institutions of authority since reservation times that had denigrated both tribal government and native ceremonial institutions. Counter-hegemonic processes developed in regard to ceremonial life, while negative assessments of Indian leadership became hegemonic. The supervisory powers of the federal government, for example the implementation of regulations concerning the contracting of programs, made it virtually impossible for Cheyenne and Arapaho leaders to operate tribal government in a way their constituents viewed as successful, and thus reinforced the ideology that demeaned native leadership (Fowler, 2002). Disappointment with the Indian Self-Determination Act has been widespread; how tribal politics are affected varies.

TENTATIVE CONCLUSIONS AND PROBLEMS FOR FURTHER STUDY

We now have a more nuanced view of the colonial and neocolonial eras and of the processes of domination that took both social and ideological form. Hegemonic concepts (regarding property, Christianity, tribalism, culture and race, and leadership) have been at once challenged and internalized to varying degrees. In general, native peoples have incorporated Euro-American ideas and social institutions (for example, elective government) and, in the process, recreated aspects of their political systems (for example, values associated with leadership or linkage between political and religious authority). They have succeeded in putting old wine in new bottles to accommodate to Euro-American society and new wine in old bottles to make changes culturally acceptable. Acculturation models of unilinear political change have not held up under examination: innovations did not result in the decline of “tradition” or assimilation into the American mainstream. But change often was perceived by native communities as advantageous *to Indians as Indians*. Centralization was possible, despite a history of de-centralized government, when people perceived centralized government (tribal or regional) to be to their advantage. These new governments were legitimized as long as constituents believed that leaders were successful at achieving community goals. One of the most successful rallying points has been the treaty concept, both as symbol of political sovereignty and cultural identity and as an actionable legal and political vehicle for economic development (through legal claim settlements) or pursuit of indigenous rights to resources (such as fish and game).

Local constructions of political history have shaped political consciousness. Among the Cheyenne, collective memories of several massacres have affected the community’s relations with the federal government and the kinds of political strategies used by Cheyenne leaders. Hopi beliefs about their sacred obligations to the land and the relationship of these obligations to political leadership have been important in political decision-making and in the controversy over political centralization and industrialization. Cree and Dene have linked their historical association between cultural identity and hunting to their historical relationship to the state.

The polities that anthropologists described at particular times in the past as disrupted or paralyzed with conflict survived and did the work of governing, defending treaty or indigenous rights, and improving conditions despite the serious problems that remained. The description of conflict as based on a progressive-conservative schism clearly was oversimplified, as was the description of diversity in terms of “blood” as a racial category. Internal political divisions between “ins” and “outs” is a long-term pattern, whether in a pre-contact context (for example, tension among Pueblo elites and between Pueblo elites and commoners) or a post-contact situation that emerged from federal dominance and economic exploitation (for example, conflicts of interest between landed and landless, employed and unemployed, enrolled and unenrolled, resident and non-resident). Internal divisions (based on age, gender, sociopolitical position, for example) have been a stimulus for change, sometimes for compromise and sometimes for marginalization. These tensions are central to the ongoing struggle to defend the interests of all community members against external forces, whether these are based on federal legislation (such as the Indian Self-Determination Act or the ANCSA) or global politico-economic forces. Despite federal and other constraints, there is a clear pattern of strategizing, not only to achieve personal ambition, but also to mobilize public support for resistance, resolution of conflict, innovative adaptation, recovery, and restitution. Depending on what the wider political landscape allowed or prevented, strategies were assertive or covert.

Despite the insights gained through historical anthropology and ethnography since Morgan’s time, politics is understudied, which hinders efforts to arrive at generalizations. We have very few ethnographic studies of the repercussions of the Indian Self-Determination Act of 1975 and associated legislation and court decisions, of the consequences of applying for or receiving federal recognition, of changes in enrollment criteria that have accompanied a recent increase in marriage outside the native community, and a host of other developments that affect or are precipitated by native politics. We lack systematic comparative studies of general social, cultural, and historical variables that explain commonalities and account for variation in native politics across North America, or even over large areas of it – although we have some very suggestive beginnings of such an approach. In 1950, for example, Fenton compared four polities, each of which represented a different subsistence organization, and found that each developed a post-contact political organization based on the pre-contact system (1955). E. Smith noted that Tiwa pueblos developed very different governments despite their common cultural origin, but she did not attempt to explain the differences (1979; see also Pandey on Zuni and Hopi contrasts, 1994).

Fowler also moved in a comparative direction by comparing how the polities of three once virtually identical Arapaho politico-religious systems changed over time in response to different trade patterns and regional variation in patterns of colonization that reflected national interests. On the northern plains, trade relations led to an emphasis on individual competition and, during the reservation period, the land was allotted for ranching with little available for leasing. Individuals built up ranches and the political leadership, which was increasingly secularized, supported the ranching economy. On the central plains, there was an increase in the centralization of authority due to patterns of trade and Indian-American warfare. On the reservation in Wyoming, the authority structure became increasingly theocratic (with elected

officials subordinate to priests), and institutions that supported economic leveling were reinforced by the leasing of a large section of the reservation in return for per capita payments. The authority structure was bolstered by both religious sanctions and mineral income. The Southern Arapaho reservation in Oklahoma was ceded, and homesteaders displaced Indian farmers and ranchers. Leaders had no land base with which to generate income; they tried to shore up their authority by fusing political and religious roles, but the linkage of these spheres undermined both, and, thereafter, elected officials had to struggle to generate support (Fowler, 1994). Jorgensen compared the effects of the ANCSA on political economy in three Inuit villages (1990). The ANCSA transferred authority from IRA governments to non-profit corporations; however, all three communities made their corporations instruments of the IRA governments and pursued sovereignty goals that challenged the ANCSA, particularly where subsistence hunting and fishing were involved. While the result of the ANCSA was both an increase in subsistence activity and an increased dependency on the state, support for the IRA governments increased. The penetration of the state into village affairs reinforced traditional political relationships and respect for native political leaders. Spicer's work on the Southwest remains the only regional comparison in the United States (1962).

The important comparison of native polities in Canada and the United States has been ignored with the exception of Bruce Miller's work. Miller compared women's access to public office in several Coast Salish communities. He found that women had greater success in the United States and that several variables influenced their election to office everywhere: access to income/service occupations, community size, and recent federal-recognition activity (1992). He also compared how tribal governments have developed legal institutions (2001). In the United States, the 1974 Boldt decision on fishing rights mandated that tribes manage salmon fisheries. The United States also recognized tribal sovereignty and transferred legal jurisdiction to tribes, whose members were involved in government through democratic process. There is less public support for tribal legal institutions in Canada, where the province retained jurisdiction and created diversionary justice projects that emphasized the involvement of "elders" and "tradition" and, in so doing, alienated many community members.

All these beginnings of systematic comparison are a start, but what is needed is work toward the examination of key variables in a wide range of North American native sites. Among the questions that should be approached from *regional and cross-regional perspectives* are the following: Who makes decisions for a community, what are the community's goals, and what tactics are commonly used in dealing with outside forces and mobilizing community support? How does identity politics figure in the above questions: tribalism as opposed to individualism, "cultural" identity as opposed to "blood" or to legal identity, tribal as opposed to pan-tribal associations, and tribal as opposed to "indigenous" politics? How does leadership by entitlement (hereditary status, gender, for example) or election figure in community decision-making, and to what extent is religious authority associated with political leadership? What accounts for varying degrees of constituent support for leaders and for different kinds or levels of constituent participation? How successful have communities been in achieving their goals? How does this political activity affect members of the community differentially, and how can we account for the lines of cleavage? Historical context is important to examine; for example, some goals and strategies have worked

better in some contexts than in others; the collective memory (or contrasting views) of historical events and how this shapes political activity in native communities also is important. In exploring these questions, economic and demographic variables would appear to be significant, as well as state policies that differ or vary in their implementation. To what extent do communities control their resources, and what differences are there in the amount of community (or tribal) income and per capita income? What is the community population and the relative size of resident and non-resident population; what is the relative size of native to non-native population? Federal policies and their implementation have affected communities and regions differently. For example, some communities have reservation status, others do not; some have treaty relations, some do not; some are federally recognized, some are not. There are significant differences between Indian policy in Canada and in the United States. The comparative study of politics could contribute significantly to the identification of commonalities among Native American polities and account for their differences. Comparison of the political histories of native communities could help clarify to what extent, and how, Indians have an impact on federal and state/province policy and generally account for how they fared during the process of colonialism and neocolonialism.

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CHAPTER 5

Tribal or Native Law

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“Tribal” or “native” law is a cover-term sometimes used to refer to that portion of federal law that applies particularly to Indian reservations and people. In addition, the term as it is employed here refers to both contemporary law/justice practices and concepts and those from a period before the colonization of American Indians by Europeans and Euro-Americans. The term is closely related to “customary law,” “folk law,” and “common law.” Customary law is used by some social scientists to refer to those tribal law codes produced by colonizers for use in indigenous courts, and is part of the colonial legacy in that customary law tends to reflect the interests of the indigenous elite who participated in its production and male as opposed to female viewpoints. However, the term is used in quite a different way by indigenous judges and other participants in contemporary tribal courts to refer to justice or legal practices that differ from those of Euro-Americans. Folk law refers to local practice that stands outside of state systems in conditions of legal pluralism where more than one legal system is in simultaneous use. Recently, some scholars have employed the term indigenous common law to both emphasize the existence of legal/justice practices distinct from those derived from European sources and to point to the incorporation of portions of tribal law within the mainstream system. This term also indexes the idea that English law derives in part from local systems, known as common law, which came to be included in state law during the period of the creation of modern states. To some extent “tribal law” is itself a misnomer in that members of social subunits, such as individuals, extended families, and clans, all have their own, separate notions of indigenous justice and its practice. Within tribes these ideas overlap, but never fully. One might more precisely speak of “family” or “clan” law.

American Indians have experienced centuries of colonization, including specific efforts by the United States and the British, Spanish, French, Russian, and Mexican predecessor states to remove indigenous people’s authority over their own systems of justice and legal regulation. Unlike European colonization elsewhere, which often operated through local elites and local legal practices and institutions, colonizers in America attempted to impose external legal regimes, particularly after the decline of

indigenous peoples' role as important military allies following the American Revolution and the War of 1812. In addition, American Indian societies over the last several centuries have been fractured and reorganized in various ways. For these and other reasons, it is difficult to specify precisely how law was once practiced or how tribal law ought to be understood, and these are central questions about tribal law today. This chapter considers tribal law as it might have been practiced, what the aims of indigenous law were, and how one might know these things. In addition, I consider tribal law in the context of tribal-state relations and the central questions facing indigenous communities interested in administering their own justice and legal systems. These questions include the nature of the relationship between the constituent units making up contemporary tribes, namely the individual, the system of extended families, and the tribe itself. I use illustrative examples from the Coast Salish peoples of the Northwest Coast in addition to other communities throughout North America.

PROBLEMS IN RECONSTRUCTING TRIBAL LAW

It is difficult to adequately characterize the practices of aboriginal justice as they existed early on in the era following intrusion by Euro-American outsiders. Efforts to reconstruct the justice practices of the mid-19th century or earlier are tripped up by several conceptual hurdles, among these the problems of relying on elders' memory culture, particularly at present especially given pressures to generate idealized versions of honored predecessors' lives. Even if elders are knowledgeable, one cannot unproblematically assume that elder testimony about justice primarily addresses the past. Fienup-Riordan observed that other issues are at stake when considering tribe law:

Elders' testimony addressed as much what they hoped for the future as what they remembered of the past. . . . Here it is important to look at both what Yupit Nation elders chose to say and what they omitted . . . Their testimony also was rhetorical: They presented the problems of today as proof that ignoring the traditional framework inevitably led to disaster. Their testimony was an ideal view of the past recalled in the present in an effort to influence the future. The value of the testimony is not its documentation of the past. (1990: 197)

In addition, many of the current generation of elders grew up in circumstances that limited their access to native justice practices. Many attended residential schools (or boarding schools, as they are called in the U.S.) that removed them from observing and hearing about how their elders handled conflict and contradiction. Officials at residential schools attempted to stop the use of indigenous languages, and, thereby, the transmission of key ideas. Most of the current elders grew up in the period after the effective repression of indigenous languages, which embed and contextualize justice concepts, but in addition, communities were restricted by Indian agents from applying culturally appropriate sanctions and controlling their own communities. In sum, justice practices have been subject to government intervention and are, consequently, historically volatile.

Llewellyn and Hoebel (1941, and see Hoebel, 1967) were among the first scholars to attempt to systematically reconstruct the laws of Cheyenne and other American

Indian tribes. They searched for general principles of the law through a process of boiling down case law as described by elder informants. This approach runs the risk of assuming that indigenous practices were bound to general principles and that one can generalize across family and community boundaries. Often, restoring indigenous justice has been reduced to finding the lowest common denominator, merely those things held in common, as in Hoebel's attempts to eliminate contradictions between elder informants.

At best, contemporary scholars can report on how members of the current community understand the practices of their own predecessors and supplement this with how elders and others of earlier generations understood and explained these issues in their own times. Some inferences can be drawn from historical and ethnographic materials. This can create a sort of suggestive pastiche, not necessarily specific to place or time. Further, because many of the present-day elders have themselves read the available ethnographic materials about their own relatives, ancestors, and communities, there is a curious reverberation between oral and ethnographic materials. Indigenous perspectives on the law have long been influenced by European legal notions, and vice versa, and previously foreign ideas are now presented as received wisdom in communities. Members of present-day communities frequently assert their own rights to English common-law principles, such as *habeus corpus* and protections under the American Bill of Rights, and express reservations about prior tribal law which appears to emphasize the collective rather than the individual. And, there is the pull between ideal representations of aboriginal law, that is, how it ought to have been and ought to be, and the real-world enactment of aboriginal justice by community members. However, justice deals with disagreement, conflict, dispute, wrongdoing, and the real as opposed to the ideal, by its very nature. It is often in conflict that the tension between the ideal and the real is most felt, and justice has likely always had this tension. Although one might capture, to some degree, snapshots of tribal justice at one or more moments, the practice of justice itself continues to change.

Understandings of tribal law, then, are historically decontextualized, situated in some particular moment, or reconfigured to address contemporary life. Significant changes arose after regular, sustained contact with non-natives in the 19th century, and are reflected in historical shifts, and, likely, with increased regimentation of justice practices. Accounts of aboriginal justice, as a result, vary somewhat depending on the time period under consideration. However, toleration for some differences in practices and viewpoint is a hallmark of indigenous society, and the practice of aboriginal justice reflects this.

WHAT WERE PRIOR JUSTICE/LAW PRACTICES?

Despite these problems in determining the nature of tribal law, ethnohistorical, ethnographic, and oral materials do allow some conclusions to be drawn. There were, however, significant differences between groups in the practice of justice and law at the time of the intrusion of the state. These differences appear in the aims of justice practices, in their scope, in procedures, and in underlying concepts. Differences reflect the varying emphasis on social hierarchy, demographic variables such as population density, and the nature and productiveness of the landscape. (The state

societies of Mesoamerica, with their dense populations, extreme emphasis on class and hierarchy, specialization, urbanization, and reliance on the tribute from surrounding peoples are not under consideration here, even though they influenced indigenous societies to their north in what is now the United States.)

Generally, indigenous justice focused on the practical issue of maintaining working relations with constituent groups within society and with neighboring peoples. Peoples everywhere were concerned to preserve work groups and their access to the pool of labor in order to carry out economic activities. Further, since most American Indians relied on a variety of locations to acquire their provisions and raw materials, careful attention was given to maintaining passageways by water and by land, and the rights to use these locations or to engage in trade. Communities simply could not afford to lose their livelihood or to allow members to unnecessarily provoke neighboring communities into retaliation.

Justice practices were not solely aimed at good relations with humans, however, and considerable attention was given to the management of proper relations with powerful and potentially dangerous immortal beings who share space with humans and influence human activities. Coast Salish myths recount the stories of children who mistreat salmon as they swim upriver to spawn. These children are typically killed or harmed by the spiritually powerful salmon. Salmon are thought to be ancestors of humans (and humans descendants of salmon), and salmon are conceptualized as organized into communities and living much as humans do prior to assuming their form as a species of fish in order to swim upriver. The chief of the salmon meets annually with the appropriate human leader, and together they reaffirm the agreement that humans will treat salmon with respect, and, in return, salmon will offer their bodies as food to humans. With proper treatment, the same salmon will return the following year. This engagement was (and is) performed ritually in the annual First Salmon Ceremony. The flesh of the first salmon to be caught is shared among all of the people present and the bones ritually collected and returned to the water. This constellation of concepts gives rise to what might be termed environmental law; particular prohibitions regarding the harvest of the salmon are paired with sanctions for their violation. All of this is regulated by the spiritual leaders who parlay with the Salmon chief. Similarly, Pueblo peoples of the Southwest historically relied on religious leaders to arrange community relations with plants, which are also regarded as powerful, conscious beings. These Pueblo leaders determine the planting schedule and violations are sanctioned. In many American Indian societies, critical social relations with animated non-human beings are managed by people such as those just described. They are "Real People," those with the spiritual training necessary for the purity required to be acceptable to the equivalent members of the immortal world. Real People also manage relations with outsiders, including human outsiders, and this capacity engages them in the processes of defining and acting on legal questions.

The focus on the maintenance of working relations was paired with a relative de-emphasis on establishing the guilt or the motives of wrongdoers or on procedural law. These issues, which are central to Euro-American legal traditions, were not altogether ignored, but potentially stood in the way of resolving or avoiding problems. In most cases, the identity of the wrongdoer was already known, and the legal processes often required the consent of the wrongdoers and the wronged. Legal processes, then, were

more about determining how to repair tears in the social fabric than about punishing individuals. In addition, some people were thought to act wrongly because of spiritual forces beyond their control, in which case a search for a motive would be pointless. Also, the Coast Salish, and some other societies, attributed wrongdoing to the intrinsic nature of people from lower-class families who were not spiritually strong and who lacked the training to know how to behave. In this case, too, there was no motive to be discovered and those who misbehaved simply had to be restrained from damaging social relations.

Furthermore, personal crimes were not generally defined as offenses against the abstract society, but rather were breaches of relations between individuals, families, clans, other constituent groups, spiritual beings, or tribes. For this reason, many indigenous communities practiced the *wergild*, and restitution between families to re-establish social relations could take the form of punishment of family members other than those who had created the breach. A famous mid-19th-century example concerns a white man, Colonel Ebey of Whidbey Island, Washington, who was decapitated by Haida Indians following the killing of a high-ranked Haida by whites. Ebey was chosen because he was the highest-ranked local white man and not because he had been personally involved in any murders. In addition, although the focus was not placed on motives, motiveless crimes were not dismissed, but, rather, were also included in legal processes. If, for example, someone accidentally killed a hunting partner, redress was still sought by the family of the deceased, and relations between families jeopardized until justice proceedings were undertaken. In the Coast Salish world, this often involved meetings between senior family leaders and, eventually, the hosting of a feast for the family of the deceased. Because the purpose of the feast was the re-establishment of regular social relations, and not merely the rebalancing and conclusion of relations, the family of the deceased might later host the family of the killer. For these reasons the concepts of “wrongdoer” rather than criminal, and of “dispute management” or “dispute resolution” rather than the concepts of punishment and the payment of an individual’s debt to society, are appropriate.

There were circumstances in which discovering the identity of a wrongdoer was crucial in order to prevent future harm. Among the Coast Salish, spiritual means could be used to ritually cleanse houses of dangerous, harmful spirits, and, in addition, determine the human perpetrator of a crime and find the bodies of victims of crimes. All of this would help in the process of resolution and enable the ghost of the deceased to properly exit the world of humans.

Tribal law was also characterized by the absence of formal personnel or positions associated with justice. Generally, but with notable exceptions such as Plains tribes’ police societies which arose in the 19th century to manage affairs in large intergroup summer encampments, there were few or no specialized personnel appointed solely to manage justice or legal affairs. Likewise, there were few or no legal institutions such as jails, and formal coercive authority was not ordinarily placed in the hands of individuals. More often, legal affairs were delegated to those who managed internal relations or foreign affairs (the Real People), as in the Iroquois Confederation system of Chiefs or Pueblo religious authorities. The Cherokee of the Southeast centered legal issues on the person of the tribal orator, or “beloved man,” who recited the tribal laws at the annual first-fruit celebration, and a Seven Counselors Court, a peace organization

composed of officials from the tribal government, among others (Strickland, 1975: 11, 23–24).

Law did not operate as a separate social category and was instead embedded in social relations. Because there were few specialists with socially sanctioned legal positions, those who carried out the work of justice achieved their position by virtue of their efficacy; they were called on to act in justice settings because of their capacity to do so and were not engaged if they were ineffective. This was an achieved role, but one which connected to larger issues of hierarchy and rank. Among the Coast Salish, serious legal issues which could not be handled within the extended family or within local society were sometimes referred to senior people from other communities. These Real People, ordinarily men, held no formal position, but were widely respected for their abilities, and, indirectly, their spiritual power which underwrote their capacity to adjudicate. They were from socially important, high-ranked families which provided their own children with the training necessary to seek out powerful spirit helpers. They were also trained in the oratorical skills and formal language necessary to engage and persuade large groups. People from lower-class families were thought to lack the training and background to achieve a position of prominence sufficient to adjudicate in difficult cases.

Legal practice was tied directly to the system of cosmology, just as it was tied to other features of cultural and social life. Strickland, writing about the Cherokee, noted the connection between spiritual life and law, observing that “to the Cherokee, law was the earthly representation of a divine spirit order” (1975: 11). In more specific terms, Basso (1996) described the Apache practice of engagement with the animated landscape, which “stalked” people, reminding them of proper behavior, and which people sought out to consider how to resolve difficult justice dilemmas. The landscape prompted humans to recall a repertoire of stories which helped humans think through their circumstances. Similarly, features of the Coast Salish landscape, including mountains and bodies of water, were animated and the sites of stories which provided guidance to those humans who could interpret them. These stories did not act as case law, that is, models to directly guide decisions in future cases. Apaches, Coast Salish, and others do not appear to have attempted to fit the facts of a case to prior cases as in English law, but, rather, deployed their knowledge of previous resolutions of legal difficulties to envision an acceptable outcome. Each circumstance was unique in that it arose from its own spiritual origins, involved distinct people, and could not be fully equated with a previous case.

The various systems of tribal law did not readily distinguish between civil and criminal law; either were the cause of upheaval and both called for redress. Tribal justice practices aimed for the maintenance or establishment of working relations as a primary goal and this could be achieved in a variety of ways. One account of Coast Salish justice foregrounds the pragmatic element. The story of the so-called Agassi Boy is about a spiritually and physically powerful man who once lived on the Fraser River in British Columbia. He was guilty of taking other men’s wives and possessions, but he was too dangerous for anyone to directly confront. Consequently, his entire village moved away at night, leaving the Agassi Boy in a state of exile and without the social relations thought necessary to live as a human. He was not otherwise punished. In many cases, avoidance, although not necessarily in such a dramatic way, was a preferred means for dealing with conflict. In the Coast Salish world, whole or parts of

villages could move away, as in the Agassi Boy story, or individuals could move away to a seasonal subsistence station or with a relative for a time to avoid trouble.

The practice of avoidance reflects a concern in tribal law for the timing of justice practices. Unlike European-derived law that creates time limits for some legal issues to be resolved and allows others to proceed agonizingly slowly, tribal law was arranged to correspond to human emotional states. Some issues were allowed to rest until those involved cooled out, and others were conducted quickly in order that critical problems were resolved. A 19th-century Coast Salish example makes this point. One summer night at a multi-tribal encampment along the waters of Whidbey Island a boy suspected of stealing a canoe was apprehended and detained away from his tribe's camp. The next morning word got out to his relatives, who responded by giving blankets (measures of wealth) to the offended people, who then released the boy. Two issues were at stake: the boy's high-class family was concerned to protect their family reputation and the lower-class people were concerned about the possibility of reprisals by the high-class family. Both problems were resolved by prompt action. The boy's guilt and motives were not in question, and, indeed, were not relevant to the larger issues.

Tribal law aimed to regulate both the environment and human affairs. Although there were prohibitions against such practices as adultery, and, in some cases, specific compensation for violations, indigenous peoples typically sought out legal remedies with caution. One might say that there was an underlying ethos of non-intrusiveness and non-intervention. There were a number of reasons for this; there were generally no law or justice officials to appeal to and other people were spiritually powerful in ways that were not always clear, and hence it was best to avoid confrontation. To some measure, wrong behavior could be treated in other ways. Among the possible indirect sanctions against wrongdoers were shaming, gossip, and, notably, allowing natural processes to take their toll on the wrongdoer. Spiritual sanctions were used to explain unexpected illness or misfortune of those who had acted wrongfully. The reliance on spiritual forces to rebalance some problems is consistent with the idea of voluntary compliance in engaging in justice procedures.

There is another side to this story, however, and non-interventionism and non-coerciveness does not characterize all of indigenous justice. Some problems were directly and violently confronted. Coast Salish and others used antagonistic competitive singing and fighting as forms of conflict resolution. Banishment from village life was another practice. Even greater force was sometimes used. A Coast Salish story tells of a man who waited along the riverbank and ambushed his brother, who then drifted downriver, lifeless, in his canoe. The man did this because the brother was spiritually dangerous and had killed community and family members. It was dangerous to confront him directly and it was apparent that he would continue to commit murder. There were no legal proceedings beforehand other than family discussions, and members of other families did not interfere. Rather, the family acted on its own. Another story tells of the killing of a man who persisted in disturbing members of the neighboring tribe. Fearing reprisal and the seizure of some of their lands, family members acted to end this threat.

These stories reveal yet another characteristic of tribal law, namely, the inclination to resolve problems as locally as possible. Offenses between individuals were often handled strictly between themselves. Great emphasis was placed on the role of the

extended family leadership, although outsiders could be called in if necessary. In the case of inter-family conflict, families attempted third party intervention only if their own leaders could not resolve the conflict. If these methods failed, and in the absence of any tribal or state-level mechanism for redressing conflict, one dreaded consequence was blood feuding. Although indigenous societies developed a range of sophisticated techniques for avoiding and redressing conflict, the blood feud (unrestrained and persistent conflict between social units) was a major dilemma among American Indians.

Tribal law addressed the social problems that arose from continuing contradictions in society. In the case of the Coast Salish, the tension between post-menopausal women and men over issues of authority, between women's birth families and their consanguinal families over women's loyalty, and between high- and low-status families and individuals, all created regular difficulties that could potentially erupt into significant disputes. Justice processes managed, but did not resolve, these dilemmas. Individual manifestations of social problems, however, were thought to be formally resolved at the completion of the appropriate justice process, never to be raised again. This prohibition enabled wrongdoers to be fully restored to the community and to re-engage their productive work, an outcome that benefited the group as a whole.

TRIBAL LAW/JUSTICE INITIATIVES AND THE PROBLEMS OF INTEGRATING TRIBAL LAW

Current efforts to understand prior practice are only of use if they can be comprehended and applied by the entire community, regardless of what might once have been the practice or the cultural ideal. This idea is well understood in indigenous communities where many hold a "fluid understanding of traditional law" (Ryan, 1995: 66). Ryan noted, for example, concerning collaborative efforts to restore Dene justice, that "our goal is to explore what traditional values people can take forward upon which to build a current rational way of dealing with problems of social and personal control" (1995: 66). Similarly, Warry invoked the distinction between custom (a particular cultural practice) and tradition, "the appeal to values and actions that sustain customs or provide continuity to a social group over time" (1998: 174–175). Indeed, many community elders and leaders hold the view that justice as it was once practiced must be adapted to current circumstances, but within a traditional frame of reference.

There are many instances of this process of adaptation over the last two centuries. One of the best known and most significant early examples is the Cherokee Republic court system established prior to the Cherokee removal from Georgia and Tennessee to the Indian Territory, now Oklahoma, in 1838–9. Strickland notes that this court system "emerged not from a single act but a gradual acculturation process fusing tribal law ways and Anglo-American legal institutions" (1975: xi). Cherokee counselors wrote laws, and justices heard 246 cases over the thirteen years between 1823 and 1835, although the first written law was in 1808 (*ibid.*: 103). A tribal system established in the Indian Territory in 1844 employed a range of court officials, judges, sheriffs, and others, in common with courts of the mainstream system.

A successor court system created by the Cherokee Nation operated until it was abolished by the federal government in 1898.

Indian agents, representatives of the federal government, operated their own ad hoc system of courts, often with trusted Indians serving as subordinates. In 1883, the Secretary of the Interior authorized the creation of Courts of Indian Offenses. Indians served as jurists in these courts, and the system was modeled after the justice of the peace system. No enabling legislation accompanied the creation of this system, however, and these tribal courts remained fragile (Pommersheim, 1995: 62). The courts wrestled with the difficult questions of jurisdiction and regarding who ought to be considered an Indian following the allotment process of the Indian lands and the influx of settlers and mixed-blood families. Today, about 25 descendants of these courts remain, known as CFR courts, or courts under the Code of Federal Regulations. These courts do not apply Indian law, but have engaged Indian personnel as police and court officials.

Federal efforts at reform produced the Indian Reorganization Act of 1934 (IRA), legislation which allowed for tribes to create their own governance, in particular, councils, constitutions, laws (commonly referred to as tribal code), and court systems. This legislation did not sponsor the re-establishment of any prior system of justice, although tribal courts have gradually combined indigenous practice and adapted state and federal law. In the case of the Coast Salish of Puget Sound, Washington State, a court decision awarding them half of the salmon catch under the terms of mid-19th-century treaties led to the need for tribal venues to prosecute Indian violators of fisheries law. This, in turn, led to the gradual elaboration of a tribal court system with a fuller range of code, including criminal and civil law.

These tribal courts have many options regarding how they might be structured, and variously incorporate tribal law practices. For example, some courts allow for the creation of an elders council to advise the sitting judge on prior practice. Others allow for particular elders to be called in when needed. Still others allow for the judge to use the “spirit of tribal law” in making decisions. In addition, tribal codes attempt to directly incorporate tribal law into contemporary tribal codes. For these reasons, there is a considerable debate among Indians of the United States and Canada regarding the nature of tribal law and how it should be applied. Among these vexing questions is who has the authority to speak regarding tribal law. An interesting example arose on the Makah reservation in Neah Bay, Washington during a difficult period in the late 1990s when the tribe attempted to once again exercise their lapsed practice of hunting whales. One woman denounced the practice, citing her authority as an elder as the grounds on which she could make her claim. Others, however, called for her to be quiet, noting that she was not the descendant of a chiefly whaling family, implying that she had no grounds to exercise authority regarding tribal law about the environment. This is an example of the contest between claims based on elderhood and on social status.

Further, there are struggles between members of numerically dominant and socially powerful families and smaller, less influential ones over the extent to which their family view of tribal law might prevail. Similarly, many communities struggle over who is “traditional” and thereby maintains the right to influence tribal affairs as opposed to those who have left the tribal territories or are thought to have acculturated into mainstream ways, or to have internalized white views of religion, law,

knowledge, or governance. Finally, tribal youth have increasingly challenged the right of those in authority in tribal governance to determine tribal policy, including tribal law.

Reservations are now more diverse and complex than they once were, adding further to the debate about the future of tribal communities and the role of tribal law. For example, the Pentecostal church has significant numbers in many indigenous communities, and emphasizes membership in the church, rather than membership in the tribe. In some cases, Pentecostals have advocated resisting traditional practice. In one Tlingit community of Alaska, for example, masks associated with sacred winter ceremonials were burned in 1992. This category of masks is tied to an ancient system of prestige, social hierarchy, and traditional modes of social control, and burning them represents a repudiation of this system of laws (Dombrowski, 2001). Meanwhile, in some locations prior spiritual practices, such as the Winter Ceremonials in the Coast Salish region, or the use of sweatlodges and the medicine wheel, have regained prominence, and are associated with an increased call for adherence to tribal law. The resolution of these debates varies with each community and will no doubt continue to shift.

These debates are carried out in particular modes of discourse, all of which influence current understandings of tribal law. Because tribes continue to differentiate themselves from the mainstream, and especially mainstream justice, in order to create political space for the continuing development of tribal governance, there is an inclination to find tribal law to be the opposite of the Anglo-American system of law. The emphasis on binary thinking imposes its own distortions. For example, a significant discourse emphasizes links between tribal law and the establishment of harmony, peace, and good relations between tribal members. Many community members publicly espouse the view that conflict and violence are solely the result of the intervention of whites and that pre-contact society can be characterized by regular and harmonious relations. Nader (1990) has referred to this as a “harmony ideology” which she sees as arising after the period of contact and as a result of the need to create community cohesion under difficult conditions and to hold off the influence of the outside world. The harmony approach has led to the introduction of “peacemaker” courts which foreground the role of tribal law in resolving social conflict within the community through the use of non-formal, non-adversarial processes.

A related discourse holds that tribal law can be characterized as emphasizing healing. In this view, tribal law is more than simply a cultural emphasis on solidarity and tranquility, but, rather, is itself a force that can be applied to removing the destructive influences of contact with the mainstream and of furthering the process of decolonization. The application of tribal law, then, provides a means of overcoming alcoholism, the legacy of residential schools, poverty, sexual and child abuse, and alienation by restoring mental health, right relations between individuals and families, and the prior practices of reciprocity. All of these ideas are commonly glossed as “respect.” Proponents of this approach advocate tribal justice programs that include counseling by elders and spiritual leaders, training in life skills, and alternatives to adversarial justice. This approach dovetails with the current trend in the mainstream alternative dispute resolution movement to emphasize “transformative” justice. In addition, the approach overlaps with and is influenced by the self-help rhetoric derived from social work, psychology, and the New Age movement. References to

the psychologist Maslow, the proponent of a view of human behavior as responding to core needs before secondary ones, for example, are sometimes made within this discourse.

Yet another, related, approach to tribal law emphasizes its spiritual nature, as illustrated by Strickland's 1975 views of 18th- and 19th-century Cherokee law. Tribal law is thought to be handed down by the creator or by other spiritual entities, and therefore is immutable and best comprehended by elders and spiritual leaders. One extreme Coast Salish interpretation, for example, argues that land cannot be used for any purposes other than those used at the time of contact; buildings cannot be removed or added. Nor can natural resources be extracted in a manner other than that at the time of contact. This approach, in some of its guises, is an ahistoric fundamentalism which privileges particular members of the community and disqualifies others, particularly those who do not engage in traditional spirituality, from participation in the process of examining tribal law. The "spiritual" approach to tribal law, as with the healing and harmony discourses, challenges contemporary materialism and the de-emphasis of family and kin, and promotes the importance of community self-reliance and the role of indigenous communities in preserving and protecting the natural environment. In pointing to differences with the mainstream, the spiritual approach to tribal law embraces the particularism of tribal life and rejects the universalizing, secular rationalism of American society.

Tribal court systems face a number of complex problems, including what process to use in generating tribal code, how to create legitimacy in the eyes of the tribal community, surrounding jurisdictions and funding sources, and how to balance the competing interests in communities. Tribal legal systems are created by authority of the tribes themselves; this authority is not delegated from state or federal government. Tribal code is ordinarily created through one of several routes. Code writers are commonly employed to prepare drafts of tribal code which can be given force of law by resolution of the council itself. Often code writers are non-Indians trained in U.S. law, and as such, may view tribal law and culture from the outside. Communities have responded by creating tribal justice committees to help code writers understand community perspectives and issues. These committees sometimes draft code themselves. Also, code can be created at the suggestion of tribal members and by resolution at tribal annual general meetings. Tribal courts can also use, at their discretion, municipal, state, or federal law.

Although some commentators have suggested that tribal codes have little of the flavor of tribal law, this need not be the case. Instead, the case seems to be that tribal codes and the practice of tribal judges have come to more closely approximate tribal law over time. While tribes sometimes import "boilerplate," legal language from mainstream or other tribal jurisdictions, tribes then move to gradually tailor tribal code to local understanding and cultural practices (Miller, 1997).

A related issue is whether tribal courts more closely approximate mainstream courts than prior justice practices in their reliance on the trappings of law found outside Indian country, including bailiffs, police, and judges. Further, tribal courts, to the degree to which they incorporate adversarial concepts, are thought to be non-indigenous in nature. But in this case, too, surface appearances are deceiving. Although tribal courts frequently do use adversarial processes, many also use other processes more in line with prior tribal law. Freestanding programs, including

Peacemaker courts, such as found among the Navajo, offer alternative processes. In other cases, alternative routes exist within tribal legal systems alongside adversarial processes. For example, in one Coast Salish tribal court, litigants who mutually agree can have their case processed through family feasting, thereby incorporating tribal law both in the body of the judicial process and in sentencing.

Despite these possibilities, tribal courts frequently struggle to establish their places in the communities. The long history of alienation of tribal control over justice, the domination which is characteristic of colonialism, and the poverty experienced in many communities have made many tribal members cynical about the application of political power, even by their own members. The fracturing of community solidarity over the last century further strains the credibility of tribal governance, including legal systems. Tribal members themselves sometimes regard tribal courts as the creations of the mainstream society because of their origin in the Indian Reorganization Act. They are seen as instruments of outside authorities and not as legitimate vehicles for tribal law (Pommersheim, 1995: 67). Other tribal members, however, reject tribal courts because they do incorporate features of prior practice and because they appear to fall below state and federal standards, particularly in the provisions for the separation of powers and in the provision of due process. Some simply fear that tribal courts will reflect the will of the dominant families on the reservations or within the tribe.

Perhaps the most difficult test tribal courts face is in balancing the interests within the tribal community, arguably, a core characteristic of prior tribal law. In particular, tribal justice systems must consider the rights and interests of individual members of tribal society, families (or clans, in some cases), and the tribe itself. Domination of tribal life by powerful individuals and families has the effect of eroding the legitimacy of the tribal justice system and the cohesion of the tribe itself. Alternatively, domination of the community by an autonomous council leaves individuals and families unprotected. There is not necessarily a single route to balancing these interests within the spirit of tribal law, and studies from Puget Sound indicate that these critical questions might be addressed in a number of ways within a current understanding of tribal law.

In the codes of the Puget Sound tribes, the individual is contextualized culturally, not merely as a holder of inalienable rights and worth, but within one or more social roles, and within a legal system which allows for aboriginal conceptions of the collective to be considered. Tribal code both places community members within a legal context (situating people as members of the community, as adults or children, as members of extended families, and so forth in relation to others) and serves as a text by which social discord is mediated. Significantly, the everyday social context, even in the present, incorporates social beings other than human beings and, therefore, consideration of the set of human-human relations must be supplemented with human-non-human relations as well.

Provisions for the application of current understandings of the spirit of tribal law, which pertain in one form or another in the codes, allow for contextualizing of the individual litigant at either the point of sentencing or during the trial itself. One tribal youth code provides that “tribal law or custom shall be controlling, and where appropriate, may be based on the written or oral testimony of a qualified elder, historian, or other tribal representative” (cited in Miller, 1995: 155). Another allows

that “if the course of the preceding be not specifically pointed out by this code, any suitable process or mode of proceeding may be adapted which may appear most comfortable to the spirit of Tribal Law” (ibid.).

The following examples illustrate the direct application of the “spirit of tribal law.” In one case, the tribal appeals court ruled that tribal custom creates a fundamental right of individuals to speak on any matter of concern, including issues being litigated. The ruling recognizes the individual within the cultural setting and localized notion of rules of evidence (Miller, 1997: 127). In a second case, rights of individuals are restricted. The tribal court held that although the U.S. imposed a Bill of Rights because of a history of abuse of minorities, the tribe had no such history nor cultural practice, and therefore the Tribal Bill of Rights need have no provision analogous to the Sixth Amendment (ibid.). In a third case, the tribal court rejected an appeal lodged on the grounds of the failure to employ the exclusionary rule regarding pre-trial testimony (which was formulated to proscribe police misconduct) because it does not take into account Indian cultural background and community common knowledge (ibid.). Here, in effect, rights of the individual are limited in favor of the community through the expectation that individuals share cultural understandings.

One of the key points of debate about tribal law concerns the degree to which indigenous societies were collectivist in orientation and, consequently, the relevance of individual rights in society. Tribal code represents an ever-changing resolution to this question, although the issue does not seem to be one in which a binary opposition between collectivism and individualism gets at the heart of the matter. Pocklington and Pocklington, in considering the issue of nepotism in Indian politics, note that universalistic precepts of the polity stem from a political ideal that stresses personal autonomy (1993). The familial/parochial precepts, which are said to generate nepotism, on the other hand, emerge from a conception of polity that stresses community and the collective. Paradoxically, then, individual rights are connected to the universal and communal rights to the particular. This is one sense in which drawing a distinction between collective rights and individual rights fails; both individual and collective are connected to some conception of the greater good, but defined in differing ways.

In the case of contemporary Coast Salish societies, a set of corporate extended families make up the tribal community, but do not of themselves constitute the collective. In fact, the extended families are widely regarded by Coast Salish people as particularistic in nature and as acting to defend their own interests at the expense of the large collectivity. Some Coast Salish people argue the other side, holding that the creation of legal rights of individuals and of the tribe violates the rights of the corporate extended family, which itself ought to be regarded as the primary social body, the collective. The differing emphases heighten the difficulties facing those creating codes in balancing interests within the tribe.

The tribal codes and constitutions create complex, overlapping systems of legal statuses. Men and women are treated by the codes as undifferentiated individuals with entitlements (interests in community-held resources of various sorts). These legally distinct individuals are restrained in their interests by two other sets of interests, those of the tribe, and also, in limited ways, the rights of family networks. Secondly, men and women are legally members (citizens) of the tribe (and, also, of the community),

and as such are entitled to residence in Indian country and are shareholders in community assets (such as fisheries resources, education programs, Indian Health Service care, and reservation housing). Community membership alone does not confer these entitlements. Thirdly, in most codes men and women have legal standing as extended family (these are sometimes referred to as family networks) members. As such, in some tribes, people are entitled to make claims to fishing locations (under customary provisions of use-rights), and rights to oversight over the children of the family network. In addition, the law places restrictions on citizens on the basis of kinship affiliations that overlap in various ways with membership in corporate, temporal family networks. For example, several of the codes restrict individuals from running for office in the event that a relative is a sitting member of council. Finally, people with children are legally parents, with an array of parental rights and obligations.

The various legal statuses an individual may occupy are not fully compatible (in part because of the long history of federal policy and court rulings which have imposed and reconstructed concepts of membership), a circumstance which leads to significant disagreement in the communities. Some people residing on the reservations are legally members of the community but not members of the tribe (some are legally members of other tribes, others are non-Indians). A further complication is that some non-tribal members who are resident on the reservation are family network members and hold legal rights as such. They may, for example, have priority in adoption or in provisions for the care of extended family children, or may have legal rights to attend family-sponsored ceremonial events while incarcerated. These incompatible statuses give rise to role-conflict. A recent debate, for example, arose over whether community members who were not tribal members were entitled to treaty fishing rights, a vital resource. In this case women's statuses as tribal members were in conflict with their role in provisioning family members.

The legal codes differentiate on the basis of age and other criteria. Legal minors are distinguished from adults in a variety of ways. Adult men and women assume secondary legal statuses as owners of real property, as heirs to the property of others within the community, as members of a regulated community which provides rights to safety and comfort, as voters and potential tribal councilors, as official tribal committee members, and as jury members or witnesses.

There are significant practical problems facing tribal courts which affect both the courts' legitimacy in the eyes of community members and their capacity to act. Because many community members fear the influence of the larger extended families, they believe that the court will reflect the interests of these families and fail to protect everyone else. Conversely, community members fear that the legal system, including tribal police, may be unable to protect them against reprisal if they use the legal system by filing criminal complaints or civil actions. In effect, the tribal court systems appear to members to be both too powerful and too weak. In some cases, tribal members have moved out of the reservation community and beyond the reach of the tribal court, or have given up tribal membership, in order to avoid having to serve on a jury or give evidence, or to attempt to avoid prosecution. One response to these problems has been the creation of intertribal appeals court systems that allow issues to be addressed away from the local practice of power and domination, but within the tribal legal system.

A related issue is that of the separation of powers. Because authority for the courts to act is expressly delegated from the tribe itself, and because tribal constitutions do not always clarify this issue, the possibility remains for tribal councilors to intervene in court rulings. Tribal practices from an earlier period did not ordinarily distinguish between justice and politics and there were ordinarily not separate venues for these. Further, the people acting on political and justice practices were often the same in prior periods. In the Coast Salish case, the Real People, family leaders, and those with regional reputations for spiritual and intellectual ability acted on justice and other matters of importance. Perhaps for this reason there is reluctance to easily separate court and political proceedings, and for some, doing so appears to violate tribal law. For others, the separation of powers is fundamental to establishing equitable governance.

There is a similar question regarding the relationships of the members of the judicial system to the community. One trial judge from the Northwest Intertribal court system has expressed the opinion that he, an American Indian, but not Coast Salish, ought to remain outside of the social network of Coast Salish life. He chose not to buy a home in the region or to attend spiritual functions in order that he might operate at arm's length from the community. Another judge from the same court system took the opposite position, however. Although she, too, was from a different culture group, she chose to immerse herself in Coast Salish culture in order to become expert on tribal law and to act within its spirit. In other cases, tribal court judges are members of the community and face the difficult problem of remaining neutral in legal matters. This position, however, appears to contradict prior practice, in which the principals in the resolution of disputes were directly situated, often as heads of families at odds. Even outside men of high standing had connections to the parties to a dispute they were asked to help resolve. Some judges are not members of the community or indigenous people, such as Judge Pommersheim, Chief Justice of the Cheyenne River Sioux Tribal Court of Appeals.

These issues, the relationship of the judges and the community, the separation of powers, and the relationship between the collective and the individual, all foreground the problem of the relationship of the inside and the outside. Tribal law has been characterized as intimate, non-institutional, and offering resolution at the lowest possible level. Spiritual privacy and the autonomy of the individual further characterize many indigenous societies. The growth of legal institutions appears to erode the importance of these characteristics and to implicate problems previously held inside the individual or group with the community outside. Despite these problems, tribal courts now play an important role in communities' efforts to work out relationships between individuals, families, and the tribe and in the development of self-government.

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CHAPTER **6**

Culture and Reservation Economies

Kathleen Pickering

Since the creation of reservations in the 1800s, American Indian communities have experienced conditions of poverty and cultural displacement. Anthropologists have struggled to interpret economic change in terms of culture, to discover the ways in which economic changes accompanying reservation life continue to be culturally mediated expressions of long-held fundamental values and beliefs. The history of reservation economies was, and continues to be, heavily dominated by federal Indian policy. Initial government strategies for reservation economic adjustment emphasized individual Indian agricultural pursuits, with acculturation as the ultimate goal. Another goal underlying many of these federal policy initiatives was to make tribal land and natural resources available for the beneficial uses of interests outside the reservations. With the advent of Indian Self-Determination in the 1970s, new goals for reservation economies emerged as tribes began to exert more control over their own resources. In addition to simply increasing individual income, these tribally determined goals encompass increased social well-being for reservation residents, cultural preservation, and enhanced political sovereignty for tribal governments. As new strategies for developing reservation economies have been implemented, such as industrialization, gaming, and tourism, the potential conflicts between generating cash and enriching social, cultural, and political dimensions of reservation communities have sharpened. In the future, there will be even more diversification among reservation economies, as each tribal community finds its own balance for accomplishing their economic objectives within a cultural and political framework that is appropriate for them.

RESERVATION SOCIAL CONDITIONS

A larger proportion of American Indians live in poverty than do people of other races. According to the 2000 Census, 4 of the 5 and 12 of the 45 poorest counties in the

U.S. are within the boundaries of Indian reservations, with from 33 to 56 percent of their populations living below the poverty line. In relation to gender, the highest rates of poverty are associated with female-headed households on reservations. Poverty is a risk factor for many health conditions plaguing American Indians today, such as diabetes, substance abuse, poor nutrition, obesity, vehicular accidents, suicides, and cancer. Health issues also reinforce conditions of poverty, where adults in their prime of life ready to take on important leadership roles in politics and business are disproportionately lost prematurely to heart attack, accident, and other health risks. For example, the average life expectancy of American Indians in the Indian Health Service's Aberdeen Area is 64.3 years, compared to the life expectancy of the general U.S. population of 76.9 years. Men on the Pine Ridge reservation have a life expectancy of 56.5 years, lower than any other nation in the Western hemisphere except for Haiti.

The isolation of many reservations has meant a dearth of private housing developers, and private financial institutions. As a result, the housing stock on reservations has largely been dominated by federally funded housing and by trailer homes that are easy to repossess. Homes constructed under the various Housing and Urban Development programs accounted for more than 80 percent of the new units built during the 1990s on reservation land. The culturally inappropriate construction of public housing clusters, designed and managed without consideration of the traditional, kin-based living patterns of many Indian communities, has been suggested as a key factor creating or exacerbating a number of contemporary social ills, such as gangs, violence, and drug and alcohol abuse. Other reservation conditions include high rates of unemployment, poor infrastructure, and limited educational achievement. As a result, concerns with increasing economic well-being have fostered a wide array of plans to help develop reservation economies.

THE CREATION OF "RESERVATION ECONOMIES"

Reservation communities do not reflect traditional forms of American Indian settlement, but rather were the product of explicit federal policy. Following the Mexican War of 1848, the federal government implemented a new policy of "reserving" lands within aboriginal territory. Prior to this time, the federal policy had been to remove tribal communities to completely different lands to the west, such as Indian Territory, which eventually became part of the state of Oklahoma. Military actions were important in enforcing land cessions and restricting Indian groups to their new reservations, particularly in the second half of the 19th century. Some reservations were settled by more than one cultural group, creating further tensions over the congruence between tribal cultures. For example, the Wind River reservation in Wyoming was established in 1868 through negotiations between the U.S. Indian Peace Commission and the Shoshone tribe. However, two years later the federal government arranged for the Arapaho to share this reserved land with the Shoshone, despite the traditional animosities between these two tribes.

Regardless of the specific process, most tribes experienced difficult economic circumstances in making the transition from independent status to reservation status. Whether through land-base reduction or relocation, the horticultural base

was decimated, wild and domestic animal resources were reduced or destroyed, traditional trade links were severed, raiding was no longer viable, and the use of former lands was severely restricted or prohibited. Consequently, many reservation communities were reduced at least temporarily to dependence on rations distributed at military posts and later through Bureau of Indian Affairs (BIA) facilities. These federal entities became the ruling administrative force on the reservations, independent of the traditional political processes or leadership of each tribe.

The federal government viewed reservations as assimilation centers, where there was an intense indoctrination into non-Indian culture. The industrial capitalist work ethic, a sedentary agricultural lifestyle on dispersed family farms, and individualized wealth were among the messages of these newly created “reservation economies.” Traditional education and religion were suppressed, while boarding schools for Indian children were key in the cultural and social war against tribalism (see chapter 17).

Rather than helping tribal communities to modify their aboriginal modes of subsistence to meet potentially lucrative markets in the national economy, the federal government uniformly promoted a complete transformation to Euro-American agricultural production. For example, the Makah Indian reservation was well situated to take on a competitive position within the growing commercial fishing industry, and cultural interests of the Makah made the traditional activity of fishing much more attractive than farming. However, government officers continued to promote agrarian policy in a region where farming was always problematic, and viewed Makah interest in the fishing industry as an unprogressive attachment to old unacculturated habits.

The 1928 Meriam Report, prepared at the request of Congress, found a startling lack of economic progress on Indian reservations. The BIA was heavily criticized for failing to protect Indian property from white encroachment, for discriminating against Indians in favor of white labor and businesses, for keeping poor records of land and business transactions, and for abysmal reservation health conditions. The Meriam Report recommended that a corporate form of organization be created for tribal property, so that reservation natural resources could be administered and developed centrally, rather than privately on individual allotments.

The vision in the Meriam Report for fostering economic advancement of American Indians was ultimately embodied in the Indian Reorganization Act of 1934 (the IRA), promoted by Commissioner of Indian Affairs John Collier. By reorganizing their government into a constitutionally based tribal business council, tribes could recover control over the sale and lease of tribal lands from the BIA (see chapter 12). The constitutions could also provide terms for tribes to manage their own affairs. Collier wanted each tribe to be given the maximum measure of control over their economic life and, in particular, over expenditures of their own funds. Self-determination was the way to end federal supervision of Indians. Unfortunately, the “reforms” offered by the IRA failed in large part because they were imposed upon tribes, who did not see these elaborate proposals as answers to their own wants and needs. Furthermore, the BIA, through its exercise of trust authority over tribal and allotted lands, continued to set the rates at which land was leased and excavated by large-scale ranching operations and major corporations.

Support for tribal self-governance reached another low ebb with the passage of House Concurrent Resolution Number 108 in 1953. This Resolution allowed Congress to pass specific legislation terminating treaty relationships with various tribes, denying them legal existence as tribes. Between 1954 and 1962, termination affected about 3 percent of the Indian population, most notably the Menominee, Klamath, and some groups of Paiute in Utah. Termination had a devastating impact on their reservation economies.

Through a distinct process, Alaskan Natives have been removed from the technical definition of “reservations.” Under the Alaska Native Claims Settlement Act of 1971 (ANCSA), more than 200 million acres of Alaska were removed from aboriginal title, while 45 million acres were set aside for native corporations. ANCSA created local corporations for each of the 210 recognized Native villages, and created 13 regional corporations, of which Alaskan natives became shareholders. According to the U.S. Supreme Court in *Alaska v. Village of Venetie* (118 S.Ct. 948), by creating these corporations, Congress extinguished tribal territorial political control and moved Alaskan Native villages outside of “Indian Country” (see chapter 13).

A new era of tribal self-determination was entered with the 1975 Indian Self-Determination and Education Act (P.L. 93-638). While the tribal interests and rhetoric surrounding the act celebrated the return of more expansive notions of tribal sovereignty, the reality of the Act was a more limited contracting mechanism. Tribes were given the option of contracting with the federal government for self-administration of programs historically controlled by the BIA, such as public safety and education. This act initiated a dramatic differentiation among reservations, as tribes now span a spectrum from having no “638 contracts” and continuing with total BIA administration, to those having contracts for all possible administrative duties and programs from the BIA. Self-determination meant that tribes could begin to test the theory that they could manage their own resources and affairs better than the BIA.

LAND

Fundamental to reservation economies and the political sovereignty to manage them is the possession of land. The historic process of treaty negotiations ceded millions of acres to the federal government, in exchange for a recognized right to occupy reserved lands, called reservations, and exercise self-governing authority over those lands (see chapter 12).

The General Allotment Act of 1887, also known as the Dawes Act, was used to break down communalism and provide each individual Indian household with ownership of a specific number of acres upon which it could engage in agricultural pursuits. The Dawes Act also opened reservation lands for white settlement, since any lands remaining after individual Indian allotments were made were declared “surplus,” unnecessary for the tribe. These lands were viewed by Congress as vital to the economic development of the country by providing white ranchers and businessmen with new resources, despite the treaty commitments that legally protected these lands for exclusive Indian use. A further purpose of allotment was to assimilate tribal members into Anglo culture and dissolve tribes as sovereign entities.

Under the act, each Indian allottee would eventually receive both citizenship and full title to their land.

The Dawes Act resulted in significant loss of tribal land and the compression of the Indian population, both through the sale of “surplus” land, and through the sale of allotments by individuals who had received full title to their land. In all, more than 100 million acres were transferred from tribal hands into the hands of non-Indians through implementation of the Dawes Act between 1887 and 1934, when the Indian Reorganization Act ended allotment. When allotment is combined with treaty cessations of land, the tribal land base shrank from over a billion acres in 1848 to some 34 million acres by 1934. More than half of the 40 million acres originally allotted to individual Indians was lost to non-Indian owners through fraud, poverty, and manipulation. The negative effects of the Dawes Act continue today, as the U.S. Supreme Court continues to interpret this act as a historically legitimate expression of Congressional intent to renounce tribal sovereignty within the internal boundaries of reservations, despite Congressional restoration of tribal sovereignty under the IRA in 1934.

A long history of federal action appropriating land in violation of or without benefit of negotiated treaties resulted in numerous legal actions by tribes attempting to restore their lands. In 1946 Congress created the Indian Claims Commission in an effort to settle all outstanding native land issues once and for all; the commission issued a final report in 1978. The enabling legislation, however, limited the power of the Commission to making monetary compensation only. No land could be restored unless a specific Act of Congress was passed. Ultimately, not all tribal claims to aboriginal lands were resolved.

Some of the successful land claims resulted in large monetary compensation that was used by the tribes as seed funds for economic development. For example, the Shoshone tribe used a favorable 1939 land claim judgment to purchase more land and begin a tribal ranching operation. Similarly, the Zuni tribe of New Mexico received \$25 million for their lost lands, which, together with a \$25 million congressional appropriation under the Zuni Land Conservation Act of 1990, is in a permanent trust fund, with interest being used to implement a permanent sustainable resource development plan.

Other tribes have refused monetary compensation in determination to have their aboriginal homelands returned. The Lakota tribes, for example, were found to have been unlawfully separated from their ownership of the Black Hills, and were awarded \$50 million, but have refused to accept monetary compensation and continue to press for congressional action for return of the Black Hills. The Pit River (Achomawi) Indians of northern California also rejected award monies from their land claim because of their desire for return of land itself. Congress has acted to pass a significant number of settlement acts with awards to purchase land, but has rarely restored disputed land to tribes.

ANTHROPOLOGY AND RESERVATION ECONOMIES

One of the ongoing challenges in looking at reservation economies is to overcome the assumption deeply embedded in anthropology that the creation of reservations

was the end of “real” American Indian economies in cultural terms. We can best understand reservation economies as simply the introduction of yet another set of new conditions, as was European invasion and colonization, to be interpreted and responded to by American Indian communities in deeply indigenous, cultural terms.

The mission of early anthropological studies was to locate and document distinct cultures that had been “untouched” by the forces of Western European colonial expansion. In the case of American Indian studies, this meant that evidence of participation in the cash economy was more or less ignored, since it implied some diminishment of the pristine tribal culture. Early American Indian ethnographies by such renowned anthropologists as Franz Boas and Alfred Kroeber discussed the use and manufacture of “traditional” (the quotation marks indicate the arbitrariness of separating what is traditional from what is modern or contemporary) material culture, and the production and consumption of “traditional” forms of subsistence in great depth. However, less – if any – attention was paid to American Indian wage work – because it was not seen as “traditional” – even though historical records make it clear that wage work was an important component in most tribal economies well before the 1900s. Likewise, creation of “traditional” cultural items explicitly for cash sales to outsiders was also relegated to the margins of ethnographic study. Equally ignored was the ever-present hand of the federal government seeking out reservation resources for the enrichment of multinational corporations and other non-Indian interests. In contrast to discussions of “traditional” economic activities, poverty and barriers to improving reservation economic conditions often received only brief mention along with other problematic concerns such as health and education in a concluding chapter entitled “the reservation today.”

In the 1970s, the political and economic context of reservations, viewed as marginal by early anthropology, became a more dominant concern in analyzing the poverty that plagued so many reservation economies. The colonial nature of the exploitation of Native American resources and administration of native peoples by the U.S. government has been highlighted in many anthropological studies of reservation economies since that time. Joseph Jorgensen’s use of Andre Gunder Frank’s underdevelopment model hypothesized that Native American societies became “underdeveloped” through domination by developed nations, expropriation of their strategic resource areas, and dependence on public-sector economies, including employment and other forms of transfer payments and services (Jorgensen, 1978). In other words, reservation communities are not poor because they have been “left out” of capitalism, but precisely because they have been *incorporated into the capitalist system*, but incorporated as “satellites” in a process of economic growth that is inherently “uneven.” In this model, the private-sector economy of satellite regions – such as Indian reservations and the rural West in general – is dominated by external corporations located in metropolitan centers (“metropolises”). The development and wealth of the metropole(s) is directly linked to the underdevelopment and poverty of the satellites; they are opposite sides of the same coin of capitalist “development.” Public-sector growth of earned and unearned income that helps to support reservation and other poor communities is a government response to the consequences of national development for national satellite regions – an attempt to ameliorate the worst outcomes of uneven capitalist development in order to contain political unrest. “Development,” therefore, does not increase the quality of life for native people, but

rather creates increasing dependence on public employment and public transfers, while it also creates class differentiation among reservation residents, in effect creating local metropolitan–satellite relations *within* reservations. Robert L. Bee (1981) integrated the concept of internal colonialism into his ethnography of the Quechan (or Yuma) Indians. Martha Knack and Omer Stewart's 1984 ethnography of the Pyramid Lake Indian reservation discussed the reservation economy in terms of trespass on and exploitation of tribal resources by U.S. agricultural, mining, and timber interests, highlighting the ongoing profits generated for Anglo society by state and federal politics that continue to victimize Indian people.

CULTURE CHANGE AND CONTINUITY

An ongoing theme in anthropological assessments of reservation economies is the issue of cultural continuity in the face of change. In looking at the history of reservation economies, there are repeated examples of native communities readily embracing those aspects of American society that they perceive to have benefit and value *within their own cultural context*. While they may alter their traditional methods and reinvent themselves strategically or adaptively, that is distinct from surrendering their native culture. American Indians have been integrated into the global economy for hundreds of years, and throughout that time have formulated indigenous cultural responses to that process. Reservation economies in advanced capitalism is only the latest challenge in 500 years of survival in the face of colonialism.

Many examples of cultural continuity in the face of economic change have been reported for reservation communities. For example, David Aberle (1963) explored flexibility as a cultural trait of Navajo social organization, and the ways in which that flexibility was still required in the modern context of fluctuating, albeit non-traditional, resources, such as agricultural commodity production, wages, and pension checks. William Y. Adams found that Navajos most valued those forms of economic activity which preserved and reinforced the traditional fabric of their society, rather than those that generated the greatest material rewards, and least valued those activities which threatened to disrupt it. The central values of Navajo life are in fact social ones – which is to say, *cultural* – and remain continuous with, if not unchanged from, those of the Navajo's earliest days in the Southwest (1971: 77).

Tribal communities also apply traditional ethical beliefs and modes of organization, such as communalism, kin cooperation, and respect for the elderly, to new economic enterprises and profits. Richard O. Clemmer's work determined that there was tremendous persistence in Western Shoshone identities, despite an apparent dichotomy between people who were reservation-based and non-reservation-based. He concluded that “[i]ndividuals maintained identities with localities by invoking kin ties that would ensure legitimacy in moving to those localities and using the resources there, whether those resources were intrusive whites with their wage labor or the natural flora, fauna, land, and water,” and that “economic change reinforced some ‘old identities’ by providing supplements to traditional hunting and foraging pursuits in those localities with which they were associated” (1991: 11).

Many reservation studies find continuity in the values of reciprocity and generosity, which function practically in contemporary conditions of poverty and economic uncertainty. For example, Malcom McFee observed that, for the Blackfeet, reciprocity was important to the survival of the poor: “This tended to support and even generate generous behavior, making it difficult for me to decide whether the present stress on generosity is a carry-over from the old days or a response to modern conditions. Probably both factors are present in the patterns of daily reciprocity; cultural persistence seems evident in the rhetoric of generosity and surely most apparent in the give-away ceremonies” (1972: 65).

At the same time, certain dynamics of economic incorporation on reservations may rub against the grain of traditional social organization, or induce change in it. Anthropological questions have thus been raised about continuity and change in the status of women on reservations (see chapter 3). For example, on the Pine Ridge reservation, Lakota women experience gender inequality, and debate among themselves whether this is a new expression of traditional Lakota male dominance, or is the product of Euro-American influences that have distorted traditional concepts of respect and cooperation between Lakota men and women (Pickering, 2000a). Martha Knack found that Southern Paiute women continue to maintain, from pre-reservation times, high economic and political participation, “despite economic upheavals, reservationization, termination of federal recognition as a tribe in 1954, and reacceptance under federal trust status in 1980” (1989: 223–234). Paiute women, like men, are heavily influenced by the community-held ethical norms to share their goods with less fortunate kinsmen.

A growing area of anthropological research about continuity and change in social organization explores the origins of local differentiation in wealth and class within the boundaries of particular reservations. For example, Castle McLaughlin has argued for the utility of the concept of social class, linked to antagonisms structured by the land-tenure system imposed by the BIA, in understanding reservation politics and the uneven distribution of local resources on the Fort Berthold reservation in North Dakota (1998: 104). Other studies have drawn a connection between the issues of mixed ancestry, wealth, and assimilation. For example, the IRA Revolving Credit Fund provided livestock, farming, and rehabilitation loans for individual Indians willing to become commodity producers, while tribal members committed to subsistence practices often found land and resources diverted to the pursuit of commodity agriculture, further increasing their poverty and need for supplementation through rations and other government transfer programs. Richard Weil points out that, on the White Earth reservation, the characterizations of “mixed-blood” or “full-blood” were based not on ancestry, but on activity. The tribe could even consider an assimilated white to be a “full-blood” if he/she maintained non-commoditized, native cultural and economic practices (1989: 73).

GOALS FOR DEVELOPMENT OF RESERVATION ECONOMIES

Even after the period of more explicit exertions of power by the federal government over tribal resources, more contemporary programs and policies with supportive rhetoric – and perhaps aims – resulted in little if any economic growth for tribal

communities. This has led certain anthropologists to question whose goals were actually being implemented by economic development programs controlled by the BIA. The needs of tribal communities were not being met, and significant amounts of federal resources were being appropriated under the rubric of tribal self-determination and economic development. A century of federal Indian policy, ostensibly designed to meet the needs of reservations, has generally satisfied instead the needs of “metropolitan”(or, in the terminology of world-systems theory, “core”) interests outside these reservation communities. For example, while tribal communities stressed the need for self-governance, the methods by which the federal government implemented tribal self-governance had little to do with tribal concerns, and more to do with keeping reservation economies and politics manageable by the federal government and the economic interests it represented. Tribal communities express the need for economic development assistance, but instead receive programs that enrich outside corporate interests, and leave minimal economic growth for the reservation. Tribes insist upon the importance of a public assistance safety net for reservation communities, but receive welfare programs that are designed to get single mothers to either leave the reservation or open themselves up to low-wage, no growth “opportunities” (Pickering, 2000a).

New goals for reservation economies based on tribal self-determination have started to emerge, however, only very recently, largely as a result of native struggle. There are two distinct purposes behind tribal economic activities. On the one hand, tribes consider themselves to have obligations to help their individual tribal members make ends meet, through job creation, a supportive environment for Indian entrepreneurship, and potentially some form of per capita distributions from tribally owned enterprises to individual tribal members. On the other hand, many native thinkers also believe tribes need to generate revenues that will support their own administrative costs and fund their own tribal programs, because true political sovereignty is difficult to realize when there is financial dependence on another political entity, such as the U.S. An often unstated assumption of reservation economies is that all residents will share the same economic status, so that reservation economic growth should translate to essentially uniform individual growth as well. Any individual benefiting disproportionately from a development program is suspected of corruption and misdealing, despite the assumptions of individual gain supported by the market paradigm within which all reservation programs must operate.

Furthermore, in reservation economic development, monetary worth or economic productivity as an asset does not necessarily capture the motivations and goals of tribal communities, which include central issues such as self-identity, cultural preservation, and political sovereignty. For example, Indian communities have vigorously pursued recovery of their aboriginal acreage, sacred sites, and other cultural resources, not for the board feet of timber or development potential of those lands alone, but also – and critically – for their cultural significance. Tribes have long recognized that native “quality of life” has non-economic dimensions, and that simply increasing household income may be an inadequate measure of the conditions of reservation life. The tension is finding activities that will generate enough economic support for reservation residents without sacrificing other qualities of reservation life.

AGRICULTURE

By the time the Dawes Act was enacted in 1887, federal policy regarded Euro-American-style agriculture as the only appropriate economic activity for reservation residents. The Dawes Act offered individual Indians the promise of greater commercial prosperity through successful competition in the national agricultural economy. However, the reality was that non-Indian lessees increasingly dominated the use of reservation resources in regional agricultural markets as they absorbed “surplus” Indian lands, received beneficial lease arrangements through the BIA, ecologically degraded tribal lands without obligation, and disproportionately benefited from irrigation and other infrastructure projects on reservations. For example, industrial agriculture came to the Pima and Papago reservation lands with the intrusion of non-Indian farmers, who substantially benefited from construction of a massive dam and reservoir system on the Salt River in 1905. However, the Pima and Papago, who traditionally were horticulturalists, did not participate as producers in this new economic challenge, but rather were wage laborers for the non-Indian farmers (Hackenberg, 1962).

Most tribal members on most reservations became small-scale farmers or cattle operators, using their agricultural products to reproduce social relations through food sharing and distribution. Few reservation households ever engaged in sustained market exchanges, or depended upon the sale of agricultural commodities as the primary source of their subsistence. Income from agricultural sales was monopolized by the largest and best-organized farmers and cattle operators on the reservation – usually non-Indians and a handful of Indians. Government programs designed to help Indians become agricultural commodity producers were inadequate, underfunded, and often contradictory. While a number of reservation communities had achieved notable success at raising crops and livestock by the early 1900s, fewer Indians farmed in 1930 than in 1900. After World War II, the BIA virtually abandoned its agricultural programs and support of Indian farmers and ranchers, who were thrust into an increasingly competitive, capital-intensive market environment. Less than 10 percent of reservation residents are currently active in agriculture, and virtually all owners of full-time farm or ranch enterprises are the descendants of agrarian entrepreneurs who established operations at the turn of the century.

WAGE WORK

Nowhere is the porous nature of the boundaries of reservation economies more apparent than in the area of individual Indian wage work. Casual employment, both on and outside the reservation, combined with subsistence activities was a pattern documented throughout Indian Country as early as the formation of the reservations. For example, the construction of railroads in the 1870s and 1880s provided wage labor jobs for many reservation residents as the projects worked their way through tribal regions. After the railroads were completed, they provided some Indian men with local work in freight loading and hauling, as well

as migratory work. Nancy Lurie's biography of *Mountain Wolf Woman* (1961) highlighted this pattern of combining temporary forms of wage work with subsistence production.

World War II brought another expansion in Indian wage labor. Between 1942 and 1945, some 40,000 Native Americans moved to cities and entered the mainstream workforce. After World War II, cash income became increasingly important on reservations, and the largest source of cash became wage work, rather than agricultural activities. The apparent success of this "natural" Indian migration to urban areas fostered the explicit urban relocation policy of the BIA, which peaked in the years between 1952 and 1957. More than 12,000 Indians migrated to urban areas during the years of the relocation policy.

As early as 1960, 60 percent of income on the Navajo reservation was from wages, rising to 65 percent by 1974. Work and income patterns among the Papago in the late 1960s illustrated the proclivity for maintaining multiple residences and high population mobility on and off the reservation (Padfield and van Willigen, 1969). In a study of the Pine Ridge reservation, 71 percent had spent some time away from the reservation either working or accompanying a spouse who was working outside the boundaries of the reservation at some point in their life (Pickering, 2000b).

Since the 1970s, tribal self-determination has boosted local reservation employment in government jobs significantly. Tribal governments are frequently the largest employers on reservations. Indian housing authorities, formally independent of tribal government, and the personnel needed to build, maintain, and administer the public housing on reservations, created a new source of employment on reservations. Despite a growing public employment sector, however, there are not enough employment opportunities to allow all employable tribal members who stay on the reservation to work. Martha Knack's 1980 study of the Southern Paiute illustrates the ongoing pattern of unemployment and underemployment common to reservation communities, where one-third of the reservation labor force must rely on part-time, temporary, seasonal, and intermittent jobs, many of these, of course, constituting lower-status, lower-paid jobs. Similarly high rates of unemployment and underemployment were found for the Navajo and Pine Ridge reservations (Francisconi, 1998; Pickering, 2000a).

Most reservation citizenries and tribal governments view job creation as a high priority. In the 1960s and 1970s, the federal government designed programs to attract large industry onto reservations that would in turn hire Indian residents as wage workers on the reservation. "Smoke-stack chasing" was the term used to describe the extent to which federal dollars were spent to create infrastructure and other financial incentives (the equivalent of "enterprise zones") for factories to relocate on reservations. This proved to be an elusive strategy, for while some industries were attracted initially, the benefits to the reservation economy were limited to minimum wage positions, the factories moved on as soon as the federal incentives were discontinued or even cheaper labor pools were identified outside the United States (something increasingly the case in the "post-Fordist" environment of globalization), and little or no tribal capacity for development was increased through the process. Like the governments of Third World nations, however, tribal governments continue to seek one-shot solutions to the problem of high reservation unemployment, with limited success, especially over the long term.

The challenge of job creation also involves identifying the types of jobs that reservation residents are prepared for and want to do. Low-paying service sector work, like room cleaning or dish washing, can be created through tourism or casinos, but these have low job satisfaction for workers and result in high worker turnover. More attractive and lucrative forms of work, involving technical computer or managerial skills, depend on a more active and coordinated program of higher education that in itself would take years and substantial funding to develop.

SMALL BUSINESS

Difficulties have also been encountered in federal and tribal efforts to stimulate Indian-owned small businesses on reservations. As market relations gained importance in the U.S. economy, traders were licensed to fill the exchange functions that historically had been conducted at military posts. The remote conditions on many reservations tied with tight licensing laws kept competition among traders to a minimum. Local American Indians were not encouraged to take on these entrepreneurial roles. With the construction of railroads near many reservations, border towns developed that became centers for commercial activity. Most reservations continue to struggle with the lack of a developed private sector. Obstacles to business development include a severe lack of finance capital, limited local management experience, and inadequate local infrastructure. As a result, to the extent businesses operate on or near reservations, they are overwhelmingly controlled by non-Indian interests.

Tensions exist over whether the tribal government should own and manage its own enterprises, or whether tribal government should create a positive environment in which individual Indian-owned businesses can flourish. Historically, most major reservation enterprises have been tribally owned (when they are not owned by metropolitan corporations). And just as in the case of state and national government, the tribal bureaucracy can itself pose barriers to small business development. For example, in the Navajo Nation, any land used for business purposes must be given a lease approved by the tribal government, but the prospective business owner must go through 20 steps before a lease can be approved (Francisconi, 1998: 91).

There are also tremendous tensions surrounding the desire of Indian-owned businesses to attract outside investors. Outside investors demand tribal institutions, such as courts and regulatory agencies, that will provide them with reasonable security that their investment and profits will be protected. On the other hand, tribal institutions have the interests of their residents in mind, and may want the ability to consider issues of fairness – for example, in contracts or business practices – in terms of their own cultural traditions, not those of the Euro-American judicial tradition.

HOUSEHOLD PRODUCTION AND MULTI-RESOURCE STRATEGIES

In many reservation economies, there are limited opportunities to earn cash through, for example, wage labor or formal small businesses. Therefore, households make ends meet by combining their limited market access with “alternative” forms of economic activity, such as subsistence production (hunting, fishing, gathering),

craft production for sale and barter, and exchange of services. The bartering of handmade goods, services, or subsistence resources among households broadens the practical economic activity (social labor) and well-being of the community. One sees the meshing of a range of formal market and alternative economic activity over the course of the lifetime of an individual. Being “unemployed” in terms of a wage-paying job is not the same as being idle in terms of economic activity broadly understood as the production of goods and services that sustain families and communities.

Thus, one consequence of high rates of underemployment and unemployment on reservations is an active and vibrant informal economy full of a wide range of microenterprises. Microenterprise fits particularly well with underemployment as a readily available activity when short-term, temporary, or seasonal work ends. Microenterprise producers span a spectrum from casual producers who make items predominantly for consumption by their own extended family to full-time producers who have become known professionally for their art far beyond the boundaries of the reservation.

Others assert a preference for selling informally, rather than conforming to the social and cultural constraints of a formal wage job (Francisconi, 1998). As in other arenas of reservation economies, the intersection between culture and economy is broad. For example, the production of items of traditional cultural significance help teach young people tribal values and beliefs, entail certain spiritual and mental attitudes, and can integrate many family members into a coordinated and culturally coherent production process.

Subsistence as a way of life is an integral part of the social and spiritual side of Native culture. Gathering native plants and hunting and fishing provide traditional foods for both physical and cultural nourishment. Protecting reservation resources from the intrusive effects of state fish and game management is particularly critical, because bag limits and hunting seasons often interfere with subsistence approaches to wildlife, where customary harvesting takes place throughout the year. For the Alaska Native population, for example, subsistence economy still dominates the livelihood of a substantial number of villagers (see chapters 13, 19).

With the uncertain nature of many of the resources used by reservation households, some source of unearned income is an important piece of the household economic mix. Sources of unearned income include land lease payments, pensions, disability benefits, federal welfare programs, and the less common tribal per capita payments. A household with limited cash requirements can use these forms of unearned income, in combination with subsistence activities, microenterprise, and inter-household exchanges, to make ends meet.

There are many examples of household production and pooling strategies on contemporary reservations. For example, among the Lakota of the Pine Ridge Indian reservation, household members will pool economic resources, such as wages, Social Security benefits, deer meat and berries, child and elder care, and dressmaking, so that the household unit as a whole can survive. No one activity or individual member in isolation could make ends meet without the combined resources and support of other household members (Pickering, 2000a). Similarly, for the Southern Paiute, “extended family households, kindred clusters, and cooperative networks function as adaptive mechanisms to counteract economic instability” (Knack, 1980: 91). For

the Choctaw in Oklahoma, “[k]in-based residential communities, exchange networks, nonmarket subsistence strategies, and tribal political and cultural traditions, drawn in part from the Choctaw past, set Choctaws apart from their rural non-Indian neighbors” (Faiman-Silva, 1997: 199).

NATURAL RESOURCES

Natural resources have been at the center of broad conflicts between tribes, tribal members, and the federal government over both management and development and over the complicity of the BIA in acting against the best interests of tribes. Before the era of tribal self-determination, U.S. government policies favored the rapid extraction of tribal natural resources. Many reservation lands are rich in mineral resources. Two-thirds of the uranium ore, one-fourth of the readily accessible low sulfur coal, and one-fifth of the oil and natural gas that the U.S. possesses is located within the boundaries of American Indian reservations.

While generating some tribal revenue, these natural resource extractions were providing even greater financial windfalls to off-reservation interests. Large profitable non-Indian enterprises generated their capital in part from the natural resources extracted from Indian lands (Faiman-Silva, 1997: 95–102). World War II stimulated a national search for natural resources, including those on Indian reservations. During the War, the BIA secured 3,500 oil and gas leases on Indian reservations involving 11,400 oil wells and more than 35 tribes in ten states. The “savings” to U.S. corporations in leasing tribal resources for low mineral royalties, often as little as 10 percent of market rates, also helped fuel the U.S. economy into its current position of dominance in the world.

Cultural conflicts also emerge over the extractive nature of mineral development. For example, the Navajo reservation has been subject to a series of extractions by non-Indians looking for grazing land, oil, coal, timber, uranium, and whatever else the market demanded. While providing some revenues for the Navajo Nation, these exploitive encounters also caused shifts in tribal leadership away from more traditional representatives to those chosen by the BIA or otherwise “pro-development,” accelerated the shift from subsistence and barter to a wage economy, and intensified factional divisions over issues of assimilation and Navajo identity. The relocation of 13,000 Navajos from Black Mesa, to allow for extraction of bituminous coal, destroyed their subsistence economy. The extracted coal is used to provide electricity to Phoenix and Las Vegas, while 46 percent of Navajo homes have no electricity at all (Francisconi, 1998: 144).

Another issue for reservation economies is the preservation of its natural resources. Reservations have the authority to maintain a regulatory structure that is more lax or lenient than state regulations, making tribal lands a frequent target for nuclear and other waste dumps, strip mining, and forest clear cutting. On the other hand, state jurisdiction over such matters is hardly a guarantee that the bar of environmental standards will be set high. The impact of the Nevada Nuclear Test site on the Western Shoshone, the impact of manufacturers dumping PCB-contaminated materials on the edge of the Akwesasne reservation, and utility consortiums targeting reservations like the Skull Valley Goshute for nuclear waste storage facilities are among the encounters

that have stimulated environmental justice movements on reservations. For example, the Sokaogon or Mole Lake community of Wisconsin Anishinaabe used the federal Clean Water Act (33 U.S.C. 1251-1387) as a strategy to pre-empt state jurisdiction over reservation environmental regulation and to protect the reservation from the effects of a proposed copper-zinc mine adjacent to the reservation.

GAMING

In theory, the ability of reservations to maintain a regulatory structure separate from and independent of state regulations created a relative economic advantage for tribes. The potential significance of this advantage did not materialize fully until the advent of Indian gaming. The economic (and political) power that tribes potentially held here prompted Congress to enact the 1988 Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) to address concerns raised by state legislatures and lobbying groups over this competitive advantage in tribal hands. This act imposed some degree of state control over Indian gaming by requiring tribes to negotiate gaming compacts with the states. These gaming compacts have often demanded waivers of tribal sovereign immunity, potentially impairing one of the critical goals of reservation development, which is the enhancement of political sovereignty.

Despite the regulatory interventions of Congress, Indian gaming has been a significant source of revenue for those tribes with successful casino operations. In 1996, gaming industry revenues from Indian tribes topped \$5.4 billion annually, and in 1997 those estimates grew to \$6.4 billion. The economic consequences of gaming revenues have been significant for the dozen or so tribes that have captured windfalls from their casinos. Gaming revenues have been credited with expanding tribal social programs, minimizing dependence on federal grant money, and accumulating capital for other economic development and government projects. Even modest gaming facilities have brought an infusion of jobs and income, two things missing in communities suffering from high unemployment and poverty. For the first time since the arrival of Europeans in North America, the amount of Indian land is growing, due in large part to land purchases made possible by gaming proceeds.

A major concern raised by Indian gaming is that the success of the few is being used to withdraw federal support for the many. Public perception that all tribes have lucrative casinos has fueled congressional debates over reducing federal funding for reservation programs. There is no obligation, of course, or mechanism for the extremely wealthy gaming tribes to share their windfall with the vast majority of tribes that either have not developed gaming facilities or have unprofitable gaming facilities in remote areas.

Other cultural and social concerns have been raised by Indian gaming. There is a statistically significant relationship nationally between gambling habits, parental gambling, low self-esteem, and other risky behaviors. Gambling is the fastest growing addiction among teens in the U.S. Little is known about the impact of casinos on Indian families in particular. For these and other related reasons, tribes like the Navajo and Hopi have rejected Indian gaming for their reservations.

TOURISM AND CULTURAL HERITAGE

Since the construction of the railroads, Americans have been fascinated with American Indians and drawn to reservations as sightseers. Increasingly, tourists to reservations include European and Asian visitors also. Tribes now must balance their economic interests in tourism with cultural and natural resource preservation. The opportunities of tourism include local sales of arts and crafts by tribal members, Indian-owned small businesses such as hotels, restaurants, and tour operators, and cultural education for non-Indians through heritage centers and museums.

Many of the constraints of tourism as a development strategy center on issues of cultural appropriation (see chapter 20). Native arts produced by individual tribal members are often tied to larger tribal tourism initiatives. Objects made for sale to tourists, however, often distort indigenous meanings in favor of the tastes and desires of the dominant society. More broadly, the dominant American society is searching for “alternative lifestyles” and “spiritualities,” and seeks to purchase these on the open market. The racist and colonial history that generated the images (see chapters 18, 26) which draw tourists to native communities creates a host of conflicts and contradictions (Donaldson, 1999). The eclectic sale of native traditions and generic “Indianness” for consumption by non-natives as a commodity may be viewed as a method for economic development, but not one that is particularly attractive to native communities committed to the preservation of and respect for their cultural heritage.

Other tribes have focused on their natural resources as a tourist attraction, and developed conservation plans to balance recreational uses with ecosystem-restoration goals. For example, beginning in 1994, the Colorado River Indian Tribes in Parker, Arizona, created the Ahakhav Tribal Preserve as a model project to retain cultural values and preserve resources for future generations, while designing low-impact recreational opportunities, a native plant nursery, and an environmental education program for tribal members and visitors both.

THE FUTURE OF RESERVATION ECONOMIES

There are many uncertainties associated with the future of reservation economies. Given the federal government’s historic treaty obligations, reservation economies will continue to depend in part on federal funding for tribal sovereignty and self-governance. With a broadened potential for actual self-determination, tribes will be in a position to implement the type of self-sufficiency and empowerment programs necessary to achieve economic independence at both the individual and the community level. The success of this implementation will turn in part on the ability of reservation communities to redefine their economies in terms of their own cultural goals and values, given, of course, their structural position within a dominant capitalist country. Questions must be addressed about how appropriate the market paradigm is to either the production or the distribution of income for any given reservation economy. Reservation communities must explicitly consider whether they share the assumptions of the dominant society about factors that are considered

external to the costs of production, such as environmental quality, community well-being, and resources for future generations.

Ultimately, tribal planners will need to recognize how inextricably reservation economies are linked to both the national and the global economies. Not only are reservation economies dependent on the disposable income of the world's wealthy for such industries as gambling and tourism, but the potential for creating unskilled labor markets that provide for the well-being of reservation residents is unquestionably hampered by global competition. More fundamentally, reservation economies have the potential to create and sustain alternative economic conceptions that challenge or improve on the neoliberal market paradigm, and in turn may inspire and support other movements around the world that are searching for more culturally and socially sensitive ways to construct a global economy. For all of the facets of this future, the skills, concerns, and commitment of anthropologists will be critical.

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PART

III

**Knowledge and
Expressive Culture**

CHAPTER 7

Knowledge Systems

Eugene S. Hunn

What subjects are *not* included under the heading of native “knowledge”? Our topic at first blush seems limitless. In fact, “culture” itself – arguably the core concept of anthropology – has in one influential definition been equated with knowledge and language. Ward Goodenough suggested that culture be defined as “what one needs to know to act appropriately” in a given society (1957). This definition was not intended to replace the more inclusive “omnibus” definitions then current in the field, but rather to provide a more focused perspective on cultural materials to emphasize that culture was a socially learned symbolic system, a system of ideas that both motivate and make meaningful human behavior. Goodenough’s definition of culture as knowledge helped define the “ethnoscience” movement in anthropology, which evolved into what is better known today as “cognitive anthropology,” the anthropological face of the interdisciplinary revolution known as “cognitive science” (Gardner, 1985). I will highlight ethnoscientific studies in this chapter, but will not be limited to studies of knowledge systems by cognitive anthropologists. Cultural anthropologists of many stripes have been fascinated by Native American knowledge systems and have pondered what those systems have to say about the nature of culture and the nature of knowledge itself.

Knowledge systems do not exist in a vacuum and their proper study requires that we appreciate them in context. For example, in a recent analysis of Traditional Environmental Knowledge or TEK, Berkes argues that the “knowledge” in TEK is part of a cultural and adaptive system that includes knowledge, practice, and belief (1999). I have likewise distinguished the cultural “image” from the cultural “plan.” The “image” is our knowledge “of” the world, including the entities that compose the “reality” in which we imagine that we live. The “plan” is our knowledge “for” living in the conceptual world defined by our image. By means of this cultural plan we are able to accomplish – or at least pursue – culturally meaningful goals (Hunn, 1989). When our plans work, our faith in the reality of our image is confirmed. Returning to Berkes’s three-part scheme, we may equate the image with knowledge, the plan with practice, which leaves the element of belief. Belief is a knowledge system

that is emotionally charged or “hot,” as opposed to the “cold” logic of what we know as “fact.” Belief systems have been studied under the heading of “worldview” or – in the more felicitous Spanish variant – of *cosmovisión*, “cosmic vision.” It may seem odd to construe “belief” as “knowledge,” since the former is judged to fall within the realm of religion, the latter of science, which in modern cultural terms are diametrically opposed. However, in the view of certain Native American critics of efforts to employ TEK as a tool of natural resource management, it is arrogant to isolate TEK from traditional “wisdom.” These critics prefer the phrase “Traditional Environmental Knowledge and Wisdom” or TEK/W (Berkes, 1999: 23–24). Nevertheless, I will leave to other contributors to this volume the analysis of these allied topics (see chapters 8, 9).

Perhaps these classic dichotomies (or trichotomies) are nothing more than Euro-American ethnocentrism. Postmodern critics have asserted that we should not even speak of “knowledge,” since that implies the imposition of a Cartesian duality of mind over matter that is implicated in the history of European colonial domination of indigenous cultures around the world:

... traditional knowledge is not really “knowledge” at all in the Western sense of the term [i.e., “an abstract ‘product’ of the human intellect . . . completely separable from the cultural milieu that gives [it] meaning”], . . . [but] a “way of life” . . . embedded in complex networks of social relations, values, and practices. (Nadasdy, 2000: 4–5)

I confess I do not find this critique compelling. To speak of “knowledge” is simply to postulate that there is a world outside us to be known and that as individual organisms we must come to “know” that world if we are to survive in it. The process of knowing involves, of course, active interaction or “dialogue” between the individual knowing mind and the “real world.” By means of this interaction “reality” is transformed into systems of abstract, symbolic mental representations. These representations, like maps, *reduce* the limitless complexity of reality to a finite, but relatively faithful, summary of key features of that reality, which are relevant to the individual’s successful adaptation to it. Let us grant that all living organisms may be said to have “minds,” given that all living organisms must *represent* their environment internally. However, we are concerned here with *human minds*, which may be granted unique powers as a consequence of the human language faculty that allows a fantastic elaboration of symbolic associations. Thus, our analysis of Native American knowledge systems will rest heavily on linguistic evidence. I will also emphasize knowledge systems that are *empirically grounded*, that is, systems of knowledge of the “real world,” systems that must address the realities of experience.

The question of the nature of knowledge and the relationship of knowledge to reality, thought, belief, language, speech, and human action has been of concern to philosophers other than those of Europe. For example, Navajos conceptualize these relationships as a structure of nested oppositions between “inner” and “outer” forms. Gary Witherspoon illustrates this conceptual system as in Figure 7.1. This conceptualization is of fundamental importance to everyday life for Navajo speakers, who orient their lives toward creating and maintaining an ideal of *hozho*, inadequately translated as “beauty” or “blessed.” Furthermore, in Navajo cosmology “reality” is brought into being by means of speech, specifically, by prayer (Witherspoon, 1977: 28–34).

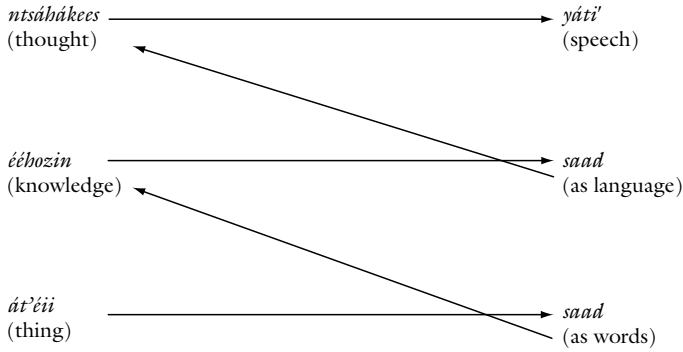


Figure 7.1 Processual relationships in Navajo among Thing, Word, Knowledge, Language, Thought, and Speech (Witherspoon, 1977: 46)

Anthropology has pursued comparisons of Native American knowledge – its content, organization, and genesis – with more thoroughly analyzed knowledge systems of literate European and Asian cultures, in an effort to better understand the human mind. Prior to the mid-20th century, comparative epistemological analysis addressed the question of the nature of “primitive mind,” from which, it was assumed, had evolved the modern mind capable of true “scientific” thought. Classic analyses such as Durkheim and Mauss’s *Primitive Classification* (1963 [1903]) and Lucien Lévy-Bruhl’s *Primitive Mentality* (1966 [1923]) characterized primitive thinking as essentially different from that of modern people in its supposed limited capacity for abstract reasoning and penchant for “magical” thinking. Claude Lévi-Strauss, in *The Savage Mind* (1966), defined a turning point in anthropological understanding of this issue. He attacked the ethnocentrism of these earlier characterizations of primitive mind, arguing that what should be opposed to “scientific” thinking is not primitive thought but *bricolage*, the art of solving everyday conceptual problems by cobbling together existing conceptual elements to construct a solution, much as the *bricoleur*, or handy-man, solves practical problems ad hoc with bits and pieces salvaged from previous tasks. The engineer or scientist, by contrast, constructs a solution to each problem from first principles. Lévi-Strauss argued that we are all *bricoleurs* in our everyday existence. Scientific thinking is thus not an essential quality of modern humanity, but a specialized way of solving problems employed in particular contexts by normal humans. As we will see below, contemporary studies of folk biological classification systems are intended to demonstrate that the notion of “primitive mind” is a myth, that “illiterate primitives” routinely devised sophisticated analyses of their floral and faunal environments, analyses on a par with those of modern professional systematic biologists.

Levi-Strauss’s argument in *The Savage Mind* inspired the development of ethnoscience in the 1960s. This school – as we have seen – defined culture as knowledge on the assumption that the behavioral practice characteristic of the people of a given culture is “generated” by that cultural knowledge, much as speech is “generated” by the internalized grammar of a language, a metaphor modeled on Noam Chomsky’s concept of “generative grammar.” Ethnoscience was also inspired by the arguments of an earlier generation of anthropologists, notably Franz Boas (1911) and Edward

Sapir (1921), who marshaled evidence in opposition to those who would judge “primitive people” as essentially inferior to modern Europeans in their cultural and linguistic accomplishments.

THE SAPIR–WHORF HYPOTHESIS OF LINGUISTIC RELATIVITY

The notion of the intimate dependence of culture as knowledge on the particularities of languages derives from the writings of Edward Sapir and his protégé Benjamin Lee Whorf. The so-called Sapir–Whorf hypothesis of linguistic relativity is widely appreciated (or, some might say, misunderstood) in terms of two Native American examples. The first is the alleged proliferation of Eskimo words for snow, an example originally attributable to Franz Boas. The second is Whorf’s analysis of Hopi temporal expressions. These examples were offered in support of the view that our knowledge of the world is constrained by the conventions of our native language, or, in the “strong” version, *determined* by these linguistic conventions. Note that in the first example the constraint is lexical, that is, our ability to speak (and thus to think) about reality depends on our having an appropriately elaborated vocabulary. It is apparent, however, that vocabularies may expand in order to meet changing descriptive requirements, by either invention, borrowing, or metaphorical extension. Keith Basso (1967) provides an excellent example in his analysis of Western Apache terms for the “anatomy” of a motor vehicle, in which the external and internal parts are named metaphorically as human body parts (Table 7.1).

Table 7.1 Western Apache anatomical metaphors for truck parts (Basso, 1967: 472)

<i>Anatomical terms (re: humans)</i>		<i>Extended meanings (re: motorized vehicles)</i>
<i>bimos</i>	‘shoulder’	‘front fender(s)’
<i>bigan</i>	‘hand and arm’	‘front wheel(s)’, ‘tires’
<i>biyadaa’</i>	‘chin and jaw’	‘front bumper’
<i>bikee’</i>	‘foot’, ‘feet’	‘rear wheels’, ‘tires’
<i>bíinii’</i>	‘face’	‘area . . . from top of windshield to front bumper’
<i>bita’</i>	‘forehead’	‘windshield’
<i>bichih</i>	‘nose’	‘hood’
<i>bighán</i>	‘back’	‘bed of truck’
<i>bik’ai</i>	‘hip and buttock’	‘rear fender(s)’
<i>bize’</i>	‘mouth’	‘opening of pipe to gas tank’
<i>bidáá</i>	‘eyes’	‘headlights’
<i>bits’oos</i>	‘veins’	‘electrical wiring’
<i>bibiye’</i>	‘innards’	‘all items under hood’
<i>bizig</i>	‘liver’	‘battery’
<i>bibid</i>	‘stomach’	‘gas tank’
<i>bijíí</i>	‘heart’	‘distributor’
<i>bijíí’izólé</i>	‘lung’	‘radiator’
<i>bich’i’</i>	‘intestines’	‘radiator hose(s)’
<i>bi’ik’ah</i>	‘fat’	‘grease’

The second example – of Hopi verbal inflection – was meant to illustrate how syntactic conventions may define an aspect of reality as seemingly “real” as time in fundamentally diverse ways. Whorf argued that the Hopi language was not conducive to conceptualizing time as a unidirectional flow from past, through present, to future, which, he asserted, was characteristic of an Indo-European worldview. Rather, Hopi verbs were inflected first of all in terms of a contrast between that which is judged to be “known” versus that which is potential, whether a future possibility, a wish, or even an event of the mythic past, so far removed from the present that its factuality is uncertain (Whorf, 1950). Thus, Whorf argued, for Hopi speakers, there is no simple equivalent of “Standard Indo-European” past, present, and future. Whorf argued that this contrast should not be viewed as a “lack,” but rather simply a difference that in certain contexts might be an advantage. He suggested that it might be easier to describe Einstein’s relativistic universe in Hopi than in English.

These two examples are currently the focus of extensive critical argument. The Eskimo snow vocabulary example was “deconstructed” by Laura Martin (1986) to show how Boas’s original casual allusion to the existence of four distinct Eskimo terms for snow in contrast to the single English term, through a process of incautious repetition and exaggeration driven by an ideological commitment to cultural relativism, mutated into claims for hundreds of Eskimo terms for snow in certain popular anthropological texts. Geoffrey Pullum borrowed this critique as the “Great Eskimo Vocabulary Hoax” of the title of his popular book exposing linguistic flights of fancy (1991). Steven Pinker, in turn, employs Pullum’s characterization to ridicule Whorfian relativism in his popular defense of Chomskyan linguistic theory in *The Language Instinct* (1994: 64–65).

The reality, as usual, lies somewhere between the extremes of the “strong version” of linguistic relativism and a universalism that presumes genetic determinism. Though a careful and linguistically sophisticated analysis of one or another Eskimo snow vocabulary (and it must be stressed that there is no single “Eskimo” vocabulary, for snow or anything else) has not been published, several terminological inventories are available, and these indicate that Eskimo languages do indeed employ an extensive descriptive vocabulary for snow and allied meteorological phenomena, a vocabulary substantially more complex than that of all but the most specialized English-speaker (Table 7.2).

This example highlights certain methodological issues, to wit: What are the basic units of comparison between vocabularies of diverse languages? “Words” won’t do, as processes of word formation differ profoundly among languages. Martin quite correctly notes that Eskimo languages freely construct complex “words” (it is a “polysynthetic” language), while English characteristically depends on word order to construct syntactically complex descriptive terms, e.g., “lesser black-backed gull,” which, despite its morphological complexity (it contains four “words”) and seeming semantic transparency (a small gull with a black back), is a single *lexeme*, that is, it *names* an elementary concept, a particular kind of bird. Martin goes astray in her critique of the Eskimo vocabulary debate, in that she equates lexemes (which are the basic units of vocabulary) with *roots*. Eskimo languages apparently have just two root terms for snow (*qanik* ‘falling snow’, *aputi* ‘snow on the ground’), but many standard monolexemic expressions are built upon these two roots. (English likewise distinguishes “corn snow” from “powder snow.”) If we compare widely recognized

Table 7.2 The various types of snow in Arctic Quebec Inuktitut (Doraís, 1990)

<i>Qanik</i>	falling snow
<i>Qanittaq</i>	recently fallen snow
<i>Aputi</i>	snow on the ground
<i>Maujaq</i>	soft snow on the ground
<i>Masak</i>	wet falling snow
<i>Matsaaq</i>	half-melted snow on the ground
<i>aqilluqaaq</i>	drift of soft snow
<i>Sitilluqaaq</i>	drift of hard snow
<i>qirsuqaaq</i>	re-frozen snow
<i>kavirisirlaq</i>	snow rendered rough by rain and freezing
<i>Pukak</i>	crystalline snow on the ground
<i>Minguliq</i>	fine coat of powdered snow
<i>naturuvaaq</i>	fine snow carried by the wind
<i>piirturiniq</i>	thin coat of soft snow deposited on an object
<i>qiqumaaq</i>	snow the surface of which is frozen
<i>katakartanaq</i>	hard crust of snow giving way under footsteps
<i>aumannaq</i>	snow ready to melt, on the ground
<i>Aniu</i>	snow for making water
<i>Sirmiq</i>	melting snow used as cement for the snowhouse
<i>Illusaq</i>	snow which can be used for building a snowhouse
<i>isiriartaq</i>	yellowish or reddish falling snow
<i>Kinirtaq</i>	damp, compact snow
<i>mannguq</i>	melting snow
<i>qannialaaq</i>	light falling snow
<i>qanniapaluk</i>	very light falling snow, in still air

lexemic inventories, Eskimo languages exhibit a substantially richer vocabulary for snow than does English. Thus the Eskimo snow vocabulary example is no hoax.

More interesting than the simple enumeration of distinct terms for snow is an analysis of how that elaborated vocabulary is put to use in the daily life of northern peoples. Again, Keith Basso provides a telling example in his article on “Ice and Travel among the Fort Norman Slave” (1972). Slave parents test their children’s knowledge of ice conditions in a game which reveals an eminently logical and empirical approach to the challenges of winter travel in their subarctic environment. Children are presented with exemplary situations in terms of mode of travel (on foot, on snowshoes, or by dog sled; see Figure 7.2) and condition of the ice encountered (any of 13 named categories of ice; see Figure 7.3) and required to decide how to proceed (i.e., cross directly, cross after carefully testing the ice, or go the long way around). There is a correct answer to each combination of conditions. It should be obvious how critical a correct knowledge of complexly variable ice conditions is for their daily survival.

Whorf’s argument concerning the Hopi conception of time (or alleged lack thereof) involves the far more subtle influence of syntax on what ideas can be expressed in a given language and how (and thus imagined by the speakers of that language). Whorf asserted that Hopi verbal inflections lack temporal reference, but rather mark aspectual and modal feature of the verbalized actions (Whorf, 1950).

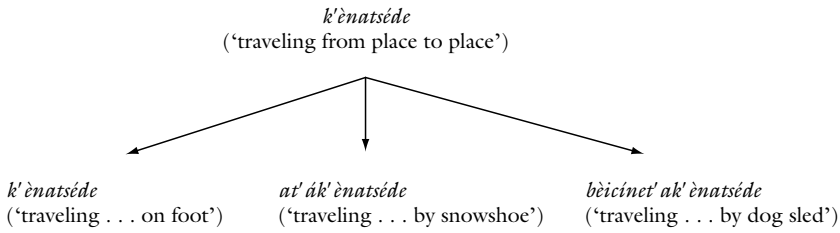


Figure 7.2 Slave categories for ‘traveling from place to place’ (Basso, 1972: 38)

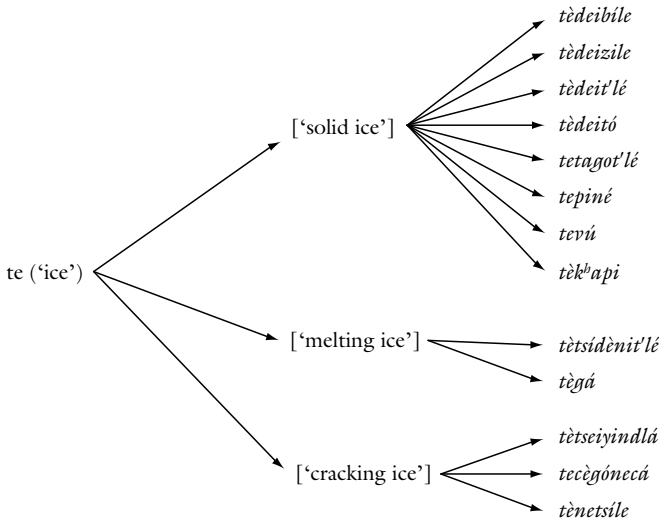


Figure 7.3 Taxonomy of Slave ice categories (Basso, 1972: 35)

However, recent critical studies by Hopi native speakers clearly show that despite the lack of straightforward “tense” marking of Hopi verbs, the Hopi language is perfectly capable of expressing the temporal relationships of English (Malotki, 1983). In fact, English verbal “tenses” are better characterized as a complex amalgam of temporal and aspectual features of the action described, for example, the contrast between “he eats meat” and “he is eating meat,” “he ate meat” and “he would have eaten meat,” and so on. The English language does not require a simple linear concept of temporal flow. Thus the “lesson” of the Hopi example appears to have been widely misconstrued by both proponents and opponents of linguistic relativity. The peculiarities of the syntax of a language may facilitate or make somewhat more difficult the expression of certain abstract relationships but does not determine what can be expressed. Just as one can describe temporal relationships in Hopi, one can describe a relativistic universe in English.

KINSHIP TERMINOLOGICAL SYSTEMS

Ethnoscience began with a strongly relativistic perspective. The early goals of ethnoscience included promoting a rigorously scientific (i.e., replicable) ethnographic

methodology for investigating *emic* conceptual systems, that is, describing what people know in their own words without the distortions implied in characterizing Culture A's conceptual framework (an *emic* account of the world) in the language of Culture B, that of the ethnographer (an *etic* account). However, it soon became apparent that cross-cultural comparisons required an "etic grid," as a common denominator or metalanguage in terms of which various *emic* systems might be compared.

Initially the target of such comparative analyses were kinship terminological systems and the *etic* grid was some form of kin-type notation, composed of presumably elemental kinship features (female versus male, elder versus younger) and relationships (parent-child, spouse). Many early analyses of kinship terminological systems – which might be characterized as knowledge systems with respect to a fundamental aspect of the human social environment – utilized Native American systems as exemplary cases, for example Crow, Omaha, Iroquois, and Eskimo cousin terminological types. Lewis Henry Morgan's classic *Systems of Consanguinity and Affinity* (1997 [1870]) was inspired by his fieldwork with Iroquois in New York State.

Initially the formalities of "componential analysis" were thought to hold the key to appreciating the common conceptual logic of kin terminological systems (Goodenough, 1967). However, Lounsbury's relational analysis proved more powerful (1964). John Atkins (1974) refined this approach in his GRAFIK kinship metalanguage. Using GRAFIK one may show the underlying similarities and contrasts between superficially incomparable kinship systems.

An example from Sahaptin is illustrative. Like English, Sahaptin distinguishes four basic terms for grandparents and grandchildren. In English we distinguish "grandmother," "grandfather," "granddaughter," and "grandson." Sahaptin-speakers distinguish "*púla*," "*tíla*," "*ála*," and "*kála*." However, *púla* may be translated variously as "grandfather," "granddaughter," and "grandson." The other three terms likewise each correspond in part to three of the four English terms (Hunn and Selam, 1990: 206). (Sahaptin is not unique in this respect, as neighboring languages of two distinct stocks classify these kin relationships similarly.) In the GRAFIK metalanguage, however, the English and the Sahaptin systems may be seen to differ in just three syntactic details (the GRAFIK representations of these terms are as in Table 7.3):

- 1 Sahaptin terms are self-reciprocal, that is, they read the same "up" (+) as "down" (–) the generations, which GRAFIK indicates by the "±" sign governing the bracketed reading;
- 2 Sahaptin terms distinguish relationship by references to the sex of the linking relative, i.e., "mother's side" versus "father's side"; thus the sex of linking relatives – the middle terms in the GRAFIK formulae – are specified; and
- 3 Sahaptin always takes note of the sex of the senior party to the relationship (by contrast English marks the sex of the relative, but not of the speaker, regardless of seniority). Thus a *man's* grandchildren (of either sex) are his *púla* (through his son) or *tíla* (through his daughter), while a *woman's* grandchildren likewise are either her *ála* (through her son) or her *kála* (through her daughter). A *grandchild's* grandfather is his or her *púla* (on the father's side) or *tíla* (on the mother's

Table 7.3 GRAFIK representations of English and Sahaptin second-generation lineal kin relationships (Hunn and Selam, 1990: 359–362)

grandmother	♀ → ○ → ⁺
grandfather	♂ → ○ → ⁺
granddaughter	♀ → ○ → ⁻
grandson	♂ → ○ → ⁻
<i>púla</i>	♂ → ♂ → [±]
<i>víla</i>	♂ → ○ → [±]
<i>ála</i>	♀ → ♂ → [±]
<i>kála</i>	♀ → ♀ → [±]

Note: The symbol ○ is also occasionally represented by the symbol O.

side) and his or her grandmother is *ála* (on the father’s side) or *kála* (on the mother’s side). These varied readings follow from the placing of the sex markers within the vertical lines for Sahaptin and outside for English.

The thrust of these formal analyses of kinship terminological systems was to show both the complexity of their logic and their universal logical basis as an antidote to popular invidious judgments of the poverty or illogic of the “primitive mind.”

Since the 1970s the comparative analysis of kinship reckoning has been put aside by mainstream anthropologists, in large part due to the radically relativist critique of David Schneider. Schneider (1972) argued that the “domain” of kinship was an artifact of the anthropologist’s Eurocentric conceptual premises. Meanwhile, Brent Berlin and his colleagues challenged the relativist predilections of ethnoscience (and of cultural anthropology more generally) in initiating global comparative studies of basic color terms and ethnobiological taxonomies. Native American case studies figured prominently in the development of these research programs.

COLOR TERMS

In 1967 Brent Berlin and Paul Kay organized a graduate seminar at the University of California at Berkeley to test the then commonplace view that color terminological systems exemplify linguistic relativity. The prototypical example was that many, perhaps most, Native American languages make no basic-level distinction between “blue” and “green” (the composite color *grue* in Berlin and Kay’s subsequent formulation). The implication was that color terms *arbitrarily* partition the continuous physical spectrum of hue (which is combined with brightness and saturation to define a three-dimensional psychophysical color solid). Forty years hence we appreciate how subtle and complex is the relationship between a handful of basic color terms and the “physical reality” of color. To oversimplify, languages indeed vary in the number of basic colors named, between two and 11. However, if we know the number of such basic terms we can predict quite accurately the foci and ranges of the colors named (see Figure 7.4). Many Native American languages recognize five basic

[white/black] < [red] < [green/yellow] < [blue] < [brown] < [purple/pink/orange/grey]

Figure 7.4 Evolutionary sequence of basic color term nomenclatural recognition (Berlin and Kay, 1969: 4)

color terms. Thus we predict that they will include black, white, red, yellow, and grue (cf. Berlin and Kay, 1969). Thus what had appeared arbitrary or random is now seen to reflect universal nomenclatural processes governed by neurophysiological constraints. These constraints are the subject of the Opponent Process theory of color perception (Kay and McDaniel, 1978).

Berlin and Kay pioneered the use of the 328-cell Munsell[®] color chart, which they employed as an *etic grid* for mapping the basic terms of each language studied. By this means they amassed evidence from dozens of languages to argue that our “knowledge” of the world of color is constrained not so much by the language we speak as by the structure of the human brain. While Native American examples by and large support Berlin and Kay’s conclusions, exhibiting nearly the full range of basic color term inventories, from Pomo with three terms (black, white, and red) to Zuni with 11 (black, white, red, yellow, blue, green, gray, brown, orange, pink, and purple), certain Salishan languages have proved recalcitrant. In these cases, yellow and green are fused as a single basic color category (MacLaury, 1987). This is contrary to the expectations of the Opponent Process Model, in which red and green are opposed states of one cell type, while yellow and blue correspond to opposed states of a different set of cells in the visual receptor areas of the brain. In any case, these exceptions do not involve radical departures from theoretical expectations but do cry out for an explanation.

Culturally variable factors motivate the *number* of basic terms named and, of course, the full meaning of a color concept is imbued with a culturally particular symbolic value. However, such issues are beyond the scope of this essay.

KNOWLEDGE OF PLANTS AND ANIMALS

On the heels of the launch of the global color term research project, Berlin applied an analogous method to a much richer empirical domain, the classification and naming of plants and animals. In this instance the etic grid that makes cross-cultural comparisons possible is the modern Linnaean taxonomic system for naming and classifying all living species. The Linnaean system – widely touted as a foundational “invention” of Western European science – includes a structure of sets within sets arranged to form a hierarchy of species, genera, families, orders, classes, and phyla within each kingdom. Each individual organism, ideally, is to be assigned to a unique species category, named binomially in Latin (e.g., *Homo* [genus] + *sapiens* [species]). Berlin, following Harold Conklin’s lead, has shown that these properties of modern biological knowledge systems are widespread, if not universal, features of folk biological knowledge systems as well (Berlin, 1992).

Berlin’s initial formulation of his “general principles of folk biological classification and nomenclature” was based on his research among the Tzeltal Maya of Chiapas, Mexico (Berlin, Breedlove, and Raven, 1973). His theoretical conclusions were

developed in conversation with the prior work of Conklin in the Philippines (1954) and the contemporary ethnozoological researches of Ralph Bulmer in Papua New Guinea (1970). However, the field of ethnobiology originated in large part in a Native American ethnographic context (Clément, 1998). Of particular note are several meticulous ethnobiological studies in the Southwestern U.S., such as Wyman and Bailey's Navajo ethnoentomology (1964), Henderson and Harrington's Tewa ethnozoology (1914), and Castetter and Underhill's Papago ethnobiology (1935). These early studies lacked only a theoretical context to inspire widespread emulation. They developed rather as "salvage ethnography," as efforts to preserve indigenous knowledge for its potential *utility*. The revival of interest in ethnobiological ethnography by ethnoscientifically trained scholars after 1950 redefined the mission of such research. No longer simply to produce an inventory of traditional knowledge, ethnobiological research was now directed toward elaborating and evaluating a general theory of the epistemological basis for human environmental knowledge, of which modern "Western" scientific biology was but a special case.

Berlin's initial formulation (Berlin, Breedlove, and Raven, 1973) posited as universal aspects of folk biological classification systems:

- 1 in both plant and animal domains, a set of some 500 basic-level taxa, the "folk generics," which reflect "natural discontinuities" among species;
- 2 a small set of broadly inclusive "life forms" to which most (but not all) folk generics may be uniquely assigned;
- 3 a variable number of folk-specific and varietal taxa typically given binomial names consisting of the inclusive folk generic name as head plus a modifying attributive (e.g., "black oak," "timber rattlesnake"); by contrast, the names given folk generic and life-form taxa are typically simple or "unproductive" compounds (e.g., cobra, devil's club), not true binomials.

The prominence of binomial naming and the depth of taxonomic hierarchy that Berlin emphasized now seem not so much universal as features that are particularly well developed in the systems of agriculturally based societies (Brown, 1985). The detailed ethnobiological studies of Hunn, Turner (e.g., 1987), and Johnson (e.g., 1999) among Pacific Northwest Native American peoples (non-agricultural pre-contact) were inspired by Berlin's analysis, but present interesting challenges to Berlin's proposed universals. These systems exhibit very limited use of binomial naming and an extremely shallow taxonomic hierarchy, with "life forms" defined more often in terms of utility than perceptual morphology. Documented inventories of plant and animal taxa are typically less than 50 percent as large as systems of agriculturalists in tropical latitudes (Berlin, 1992: 98, 100). However, these exhaustive studies of Native North American biological knowledge fully substantiate the claim that folk biological knowledge systems are scientifically sophisticated appraisals of local biodiversity that may be readily equated to modern biological systematics.

To appreciate the nature and scope of Native American knowledge of plants and animals we need to consider a few examples in detail. Sahaptin provides a starting point. Sahaptin is the linguists' term for a group of mutually intelligible dialects spoken along the lower middle Columbia River and its major tributaries, the Yakima, Snake, and Deschutes Rivers in central Washington and Oregon. The language is

closely related to Nez Perce and Klamath/Modoc (grouped by some scholars in the widespread Penutian language phylum). Before European diseases and the colonial invasion decimated local Indian populations, some 20,000 people spoke this language, now mastered by only a few hundred mostly elderly members of the Yakama, Warm Springs, and Umatilla tribal federations (Hunn and Selam, 1990: 58–65). The record of the Sahaptin biological sciences is limited to that which has survived two hundred years of cultural destabilization. That record is nevertheless impressive.

I have studied Sahaptin ethnobiology since 1976 and have recorded 521 named Sahaptin biological taxa, 290 total of animals and 231 of plants. Of these, 449 (236 animal, 213 plant) are “folk generic taxa,” that is, basic-level categories. It is certainly not the case – as has sometimes been claimed – that Native Americans named every species of plant and animal of their traditional territories. Sahaptins recognized at the basic level approximately 70 percent of local mammal species, 60 percent of local fishes, 42 percent of local reptiles and amphibians, just 25 percent of local birds, somewhat less than 20 percent of local plants, and a minuscule fraction of local invertebrate species. Of course, many plants and most invertebrates are small, even tiny, and neither conspicuous nor essential to Sahaptin survival (though “tick” and “mosquito” certainly receive due recognition!). Both of these factors – perceptual salience and cultural significance – affect how Native American peoples “invested” their mental efforts (Hunn, 1982, 1999). Native fish species are distinguished in considerable detail. Though the smallest species – minnows (three species) and sculpins (seven species) – are “lumped” at the level of the modern scientists’ genus, the five salmon species are each clearly named, with even the “jacks” – populations within a species characterized by a shortened migratory cycle – differentiated (Figure 7.5). In this aspect, Sahaptin ichthyology is more refined than modern science. Salmon are well appreciated by Indians and non-Indians alike, so the refinement of their salmon classification may not seem surprising. However, the fact that Sahaptin distinguishes two very similar species of sucker, *Catostomus macrocheilus* and *C. columbianus*, species granted little regard by local fishermen, shows that Sahaptin speakers evaluate fishes rather differently than do we.

A second Sahaptin example illustrates the value of plant foods in the local diet and pharmacopoeia. A locally diverse group of “Indian celeries,” species of the genus *Lomatium* (Apiaceae), is classified into more than a dozen categories (Table 7.4).

These examples show minimal hierarchical elaboration and no use of binomial nomenclature to construct a folk-specific level of classification below that of the basic-level “folk generics.” Though *tk^w’inat* ‘Chinook salmon’ is recognized as a *kind* of *núsux* ‘salmon’, the binomial expression **tk^w’inat núsux* is never used. *Tk^w’inat* is thus a folk generic category and *núsux*, ipso facto, belongs at Berlin’s intermediate rank. Though *tk^w’ilat-tk^w’ilat* ‘jack Chinook salmon’ is from our perspective a *kind* of Chinook salmon, it is not understood this way by Sahaptin speakers. Rather *tk^w’ilat-tk^w’ilat* is a folk generic in its own right, closely allied to but distinct from *tk^w’inat*.

We should not conclude that Sahaptin-speakers lack abstractive abilities, since they may group species into broad categories by cultural function, e.g., *xnít* ‘foods that are dug’ or ‘edible geophyte’, and *tmaanít* ‘foods that are picked’ (Hunn and Selam, 1990: 170–179); by locomotor strategy, e.g., ‘crawlers’, ‘climbers’, ‘water-surface swimmers’ (Hunn, 1979); even by general morphological characteristics, e.g.,

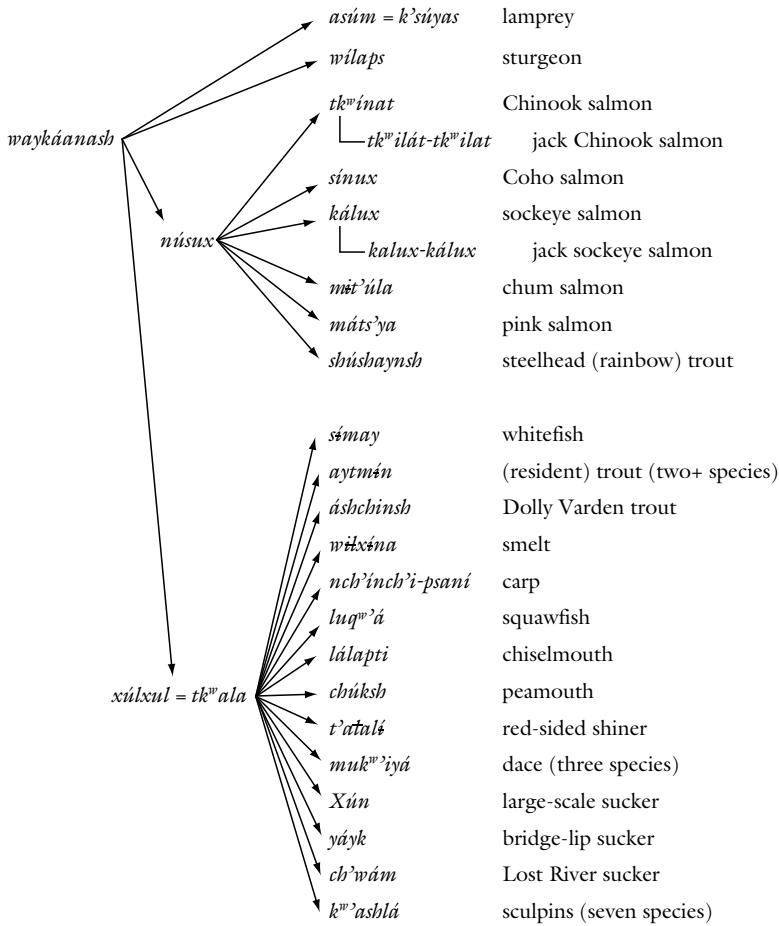


Figure 7.5 Sahaptin fish classification (Hunn, 1980: 9)

qʷíla-qʷíla núsnu ‘bent noses’, i.e., falcons, hawks, and eagles, named for their hooked raptor beaks (Hunn, 1991: 140). However, there is no elaborated structure of *superordinate* categories; each living being has its own name and exists on a par with every other. When plant or animal names do explicitly reference related taxa, they do so by *coordination*, not *subordination*, as with binomial nomenclature (Hunn and French, 1984). The black mountain huckleberry (*Vaccinium membranaceum*) is *wíwnu* in Sahaptin; by contrast, the grouseberry (*Vaccinium scoparium*) is *wíwlu-wíwlu* [*wíwnu* + diminutive reduplication], which is not to imply that the smaller berry is a *kind* of the larger, but that both are “relatives,” the grouseberry smaller and with more numerous fruits.

ETHNOECOLOGY

Since the 1970s the theoretical emphasis in ethnobiology has shifted once more, toward *ethnoecology*. The goal is to document TEK, “Traditional Environmental/

Table 7.4 Columbia River Sahaptin *Lomatium* classification (cf. Hunn and French, 1981)

<i>Lomatium canbyi</i> Coult. & Rose variety A	<i>Lúiksh</i>
<i>Lomatium canbyi</i> Coult. & Rose variety B	<i>Shkúlkul</i>
<i>Lomatium cous</i> (Wats.) Coult. & Rose	<i>Xáwsh</i>
<i>Lomatium columbianum</i> Math. & Const.	* <i>axíla</i>
<i>Lomatium dissectum</i> (Nutt.) Math. & Const.	<i>Chalúiksh</i>
<i>Lomatium hendersonii</i> Coult. & Rose ^a	* <i>háti</i>
<i>Lomatium farinosum</i> (Hook.) Coult. & Rose var. <i>farinosum</i>	* <i>nikaptát</i>
<i>Lomatium farinosum</i> (Hook.) Coult. & Rose var. <i>hambleniae</i> Math. & Const.	<i>maxsh-ní</i>
<i>Lomatium gormanii</i> (Howell) Coult. & Rose	<i>sasamít'a</i>
<i>Lomatium grayi</i> Coult. & Rose	<i>latít-latit</i>
<i>Lomatium macrocarpum</i> (Nutt.) Coult. & Rose	<i>púla</i>
<i>Lomatium martindalei</i> Coult. & Rose	<i>xawsh-wáakul</i>
<i>Lomatium minus</i> (Rose) Math. & Const.	* <i>nak'únk</i>
<i>Lomatium nudicaule</i> (Pursh) Coult. & Rose	<i>xamsí</i>
<i>Lomatium piperi</i> Coult. & Rose	<i>mámin</i>
<i>Lomatium triternatum</i> (Pursh) Coult. & Rose	<i>láqimash</i>

^a Botanical determination updated by Hunn, June, 2003.

Ecological Knowledge,” and to show how that knowledge is used in managing local ecological relationships. The nature and value of TEK is in dispute. Proponents argue that TEK represents scientific knowledge comparable to modern scientific knowledge of the natural environment and thus should be recognized alongside modern scientific knowledge in devising resource management protocols in cooperation with local Native American communities. Opponents see TEK as opposed to “scientific” knowledge, as involving fundamentally contradictory principles and opposite mental operations (Nadasdy, 2000).

Ethnoecology emphasizes knowledge of ecological relationships. Ethnobiological knowledge, i.e., the recognition and naming of hundreds of distinct kinds of plants and animals, provides the raw conceptual material for ethnoecological knowledge systems, but does not come close to exhausting the ethnoecological possibilities. A key ethnoecological research program involves the documentation and evaluation of Native American knowledge of fire ecology. Henry Lewis’s ethnographic and ethnohistoric researches in California and northern Alberta (with comparative research among Australian Aborigines) is exemplary (Lewis, 1973; Lewis and Ferguson, 1999). Our appreciation of the sophistication of Native American fire ecology has been hindered by the dominance until recent decades of the view that forest fires are destructive of economically valuable timber and of wildlife (Boyd, 1999: 19–20; Pyne, 1982). Academic researchers and government range and forest managers now increasingly appreciate that fire is an essential force in the maintenance of the productivity of the “natural.” Increasingly it is recognized also that Native Americans have skillfully employed fire as a tool of habitat management, primarily in order to facilitate the growth and harvest of key plant resources for food and technology. Lewis has shown how Native Americans set fires in a range of habitats (e.g., dry coniferous and subalpine forests, chaparral, oak savannahs, prairie grasslands, and

marshes) at specific seasons and in patterns calculated to produce maximum benefits with minimal risks. Warm Springs Indians waited until just before the first snowfalls of autumn to fire huckleberry meadows in the Cascade Mountains of Oregon, the actions timed to minimize the likelihood that fires would escape and to assure fresh plant growth the following summer (French, 1999). In each well-documented case, Native American use of fire has been shown to be designed to effect particular ecological changes at well-chosen times and places by manipulating processes of ecological succession.

California Indian basket-weavers of the Sierra Nevada region burn, weed, and prune targeted shrub species, especially redbud, *Cercis occidentalis* Torr. ex Gray, to encourage the growth of the long, straight reddish stems that are preferred for basketry:

Redbud responds to pruning as it does to fire, by vigorously sprouting new shoots. The result is increased numbers of long, straight, slender switches with inconspicuous leaf scars, wine-red bark and no lateral branching. . . . In contrast, wild redbud has grey bark and twisted branches that are forked and often brittle; where the branches fork there is a notably more fragile area, making this section unsuitable for basketry. . . . (Anderson, 1991: 150–151)

Thus, basketry involves knowledge not only of specific plants useful for the various structural and decorative elements of a planned basket but also of the effect of specific patterns of disturbance on plant growth from one year to the next.

Harvest strategies, in certain cases at least, were designed to produce sustained yields of limited resources. For example, the Huna Tlingit harvested eggs of Glaucous-winged Gulls (*Larus glaucescens*) from island colonies in what is now Glacier Bay National Park according to a specific traditional protocol. In the words of several Tlingit consultants:

“What I was taught, if there was one or two eggs in there [the nest], that was good to take, you take them. If there was three or more in there, you know, they’re already starting to form, so the party I was with said don’t touch them.”

“We only picked one or two eggs. If there was three eggs in the nest, we were told to leave it alone because there was usually birds in there.”

“And we didn’t pick any eggs off the nest that had already three eggs. . . . If there was one egg, two eggs you could pick them, but if there were three eggs, then we stopped.” (Hunn et al., 2001: 89)

This cultural injunction, if scrupulously respected, should have assured a continuing supply of gull’s eggs for the long term. Ornithologists describe Glaucous-winged Gulls as “indeterminate layers” (Hunn et al., 2001: 85). In other words, once the female begins to lay (typically one egg every other day), she will continue laying until she has a “full clutch” of three eggs (rarely two or four). Once this “target clutch size” is achieved the female begins to incubate the eggs. Experiments with various gull species have demonstrated that if eggs are removed before incubation begins, the female will continue laying, in some case laying a total of more than a dozen eggs. However, after incubation has begun, the female will not replace the stolen eggs.

Many Tlingit clearly understand the basic facts of gull reproductive biology and behavior. The harvest strategy described above is a self-conscious application of this traditional knowledge to produce a “sustainable yield” of eggs at or near the gull’s reproductive capacity. In fact, one may describe the Huna egg-harvest strategy as a form of animal husbandry.

Chisasabi Cree in James Bay, Ontario, manage their local fisheries systematically by setting smaller-mesh nets (2.5 inches) near their village, but using larger-mesh nets (3 inches) on more distant waters. This allows them to maximize the sustained yield of a smaller fish, the cisco (*Coregonus artedii*), near the village and simultaneously maximize sustained yields of the somewhat larger whitefish (*Coregonus clupeaformis*) at the more distant sites (Berkes, 1999: 112–117). Professional fisheries biologists recognize that it is impossible to maximize sustained yields of several species of fish (that vary in size at maturity) simultaneously at a single site. The Cree have devised an excellent solution to this paradox, optimally targeting different species in different sectors of their territory. While not based on modern “scientific” data analysis, this is a successful management system developed through the experiential “wisdom” of socially sanctioned traditional practice.

Cree fishers are able to manage their fisheries sustainably for two key reasons: (1) they fish to feed their families rather than for the market, so have limited needs, and (2) they monitor key features of their environment on a regular basis, for example, catch per unit of effort; species composition in their nets; the size, condition, fatness, sex, and reproductive condition of the fish caught; as well as any unusual patterns in behavior and distribution. This complex of information is relevant to their choices of where, when, and how to fish (Berkes, 1999: 121).

In sum, the fact that Native Americans have occupied every cranny of the continent for at least 10,000 years, and have maintained the rich diversity and high productivity of American landscapes throughout the millennia, must be understood as a consequence of the sophisticated systems of Traditional Environmental Knowledge developed and passed down the generations by all Native American tribes. Unfortunately, some scholars persist in confounding this fact, attempting to prove that “The Ecological Indian” is a pernicious myth, that American Indians were as wasteful and profligate of their natural resources as are modern Americans, whose ever-expanding populations and increasing consumption are driven by industrial capitalism (Krech, 1999).

KNOWLEDGE OF PLACE

I would like to conclude this brief survey by considering Native American systems of knowledge of *place*, that is, “ethnogeography,” particularly as this knowledge is manifested in the literally millions of Native American place-names that guided Indian families in their annual circuit of their homelands. Modern maps, of course, memorialize the places where we live, but so often these names reflect an egotistical assertion of proprietorship, even of colonial usurpation. Mt. Rainier in Washington State, for example, honors a British admiral who supported Captain Vancouver’s voyages of discovery, voyages driven by the hope for profit and the arrogance of conquest. To local Indian peoples, “Mt. Rainier” was a dangerously powerful place

above the normal human habitat, known by the unanalyzable name bestowed by Coyote: *taxúma* in Sahaptin (Jacobs, 1934: 234, 243).

Native knowledge of place-names is fragile. Displace a people for a generation from their homes, deprive them of the means to pursue traditional harvests there, and the place-names may be forgotten along with the roots of meaning that nourished them.

I have noticed a striking regularity in the size of inventories of place-names employed by communities that live off the land. If one calculates the *density* of place-names within a traditional territory and compares that density with the population density, there is a strong positive correlation (Hunn, 1994, 1996). As population densities increase – as they regularly do moving from arctic and interior to temperate and tropical coastal habitats among hunter-gatherers or in crossing the “neolithic divide” from hunting-gathering to agriculture – so too does the number of named places per unit of land area. This correlation appears to be a consequence of a common human memory limitation, a tendency for certain domains of knowledge to contain approximately 500 basic elements (note Berlin’s generalization cited above that folk biological classification systems will contain approximately 500 basic categories each of plants and animals). If individual place-name inventories are so constrained, then the density of named places will be a function of the size of territory known intimately by a typical individual of the society in question. That territory will in turn reflect how individuals during the course of their lives – traveling with their families each season or farming their land – come to know the land they occupy. Place-names index systems of geographical knowledge that directly reflect the practice of everyday life in a given society. An arctic hunter ranges over 50,000 square kilometers and must know that terrain intimately; by contrast, a farmer may live his or her life within a space of 50 square kilometers. If each names 500 familiar places within that home range, place-name densities will vary over that same range of magnitude.

To conserve this knowledge today, tribes are writing these names down, together with the stories that enliven them, and are plotting them on modern maps of their traditional territories. Of particular note are the Inuit mapping project of Nunavik (Müller-Wille, 1991) and the elegant atlas recently published by the Stó:lo of British Columbia (Carlson, 2001). This atlas richly documents the Stó:lo landscape through Stó:lo language, Stó:lo stories, and Stó:lo eyes (but incorporating modern archaeological evidence). To inscribe these ancient names on modern maps and to enter them into the most sophisticated GIS (geographic information systems) database systems available is to prove that the North American land was a familiar home to these First Peoples when Europe was still wilderness.

Place-names are the doors of memory. As Basso has so clearly shown, Western Apaches today are pursued by their place-names. The names call them home, strike their hearts, make them want to live properly as Apaches. This works by virtue of the use of place-names as epigraphs for moral tales, a practice they know as “speaking with names.” The peculiar poetry of Western Apache place-names, like *haiku*, conjures vivid pictures of the places named condensed in a brief phrase. “It happened at Line-of-White-Rocks-Extends-Upward-and-Out” alludes to a cautionary tale to avoid a place home to rattlesnakes, and more generally to respect one’s place in the natural scheme. “It happened at Whiteness-Spreads-Out-Descending-to-Water, at this very place!” Speaking thus, the elders allude to an event in which a young man

in a hurry to return home leaves meat from a deer kill. He falls ill and never regains his luck at hunting. Nothing more need be said. The economy of expression is most impressive. These simple examples of Western Apache conversation show how cultural knowledge, expressed in a familiar language, alluding to well-known places and oft-heard stories, has power. As they say, "These placenames are strong" (Basso, 1988).

CONCLUSION

Let us return in closing to the issue with which we began, the debate between cultural relativists and universalists. Native American knowledge systems manifest fascinating details that define the lives of particular Native American peoples, be they at home in the tundra and spruce forests of the far north, the dark cedar forests of the North Pacific coast, the salmon-rich rivers of the West, the cultivated fields of the eastern woodlands, or the red deserts of the Navajos and Apaches. Native Americans everywhere have distilled a great diversity of experience in these knowledge systems. Yet those of each tribe see with human eyes, speak a human language, and solve the challenges of daily survival that are by no means unique. Thus, we recognize in the knowledge systems of Native American peoples an alert intelligence and an aesthetic sense for connection that we admire in the scientists and poets of all cultures. We need not choose sides in this debate, but marvel equally at the wealth of human diversity and at our common humanity.

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CHAPTER 8

Oral Traditions

Rodney Frey

Let us begin our discussion of the oral traditions of North American Indians with a story and a question. The narrative tells of Salmon, a prominent figure in the oral traditions shared throughout the Columbia River region of the Plateau. As you engage the story ask yourself: What significance and meaning might this story hold for those who tell it, and, by extension, what significance do the oral traditions in general have for the lives of Indian people?

While there are important yet varied approaches to the interpretation of American Indian oral traditions, for example, ranging from French structuralism (Lévi-Strauss, 1955, 1995) to the psychological (Radin, 1956), there is considerable research being conducted by anthropologists, linguists, and folklorists (e.g., in Kroeber, 1981; Swann, 1992, 1994) influenced by the innovative approaches of Dell Hymes (1981) and Dennis Tedlock (1972). In addition to confronting many of the preconceptions about what constitutes “great literature,” among the interpretative challenges faced by these theorists is the fundamental dilemma of how to authentically present an oral-based text in a literacy-based format. How are the important oral nuances associated with performance, such as tempo, voice quality, hand and face gesturing, and audience interaction, as well as the structural integrity of the text itself, to be maintained when transcribed into a book? The “poetic style” used in the transcription of the “Coyote and Another One” narrative presented below is one illustration of how aspects of the oral nuances can be conveyed in written format. Given the culturally sensitive nature of oral traditions and the sovereign rights of Indian communities to control their cultural property, collaboration between elders and scholars (both non-Indian and Indian) has also set the tone for many of these research endeavors (e.g., Frey and the Schitsu’umsh, 2001; Hanna and Henry, 1996; Robinson and Wickwire, 1989, 1992).

For our purposes here, I would ask that the reader approach the narratives and form her responses to the question by attempting to understand the oral traditions from the perspective of the Indian storyteller. Certainly no simple task, the appropriate stance for the reader is as if one has gone inside the story, traveled the trails

alongside Salmon or Coyote, and now “sees from the inside looking out” (Frey, 1995: 4–8).

To help frame the story of Salmon and our question, let me briefly sketch how I am using the term “oral tradition.” Oral tradition refers to a vast body of narratives that chronicle a creative time, a primordial and perennial age when the world was originally and, importantly, continues to be, brought forth and perpetuated. Recognizing the rich variation that comes from the tribal diversity of aboriginal North America, two of the many important genres of oral traditions are creation stories and hero tales. Both forms of oral literature revolve around powerful Mythic Beings. In the creation stories, these Mythic Beings are often, though not solely, identified by their animal names, while in the hero tales they are typically human-like personages. In both instances the Myth People transform a dangerous world and prepare it for the coming of the human people. These ancient personages simultaneously embrace the traits and qualities of human, animal, and spiritual beings, and, through their deeds, display tremendous transformative powers. The oral traditions thus give voice to the adventures and occasionally misadventures of the Myth People, such as Salmon, Coyote, or Burnt Face, as well as a large host of other beings, who travel the mythic landscape. What is ultimately deemed most cherished and considered true by a particular people is conveyed through their oral traditions.

SALMON IS GOING UP THE RIVER

Salmon is going up the Columbia River. He comes to the camp of Old Man Spider. In the river is a scaffold to catch salmon, but it’s not well made. Salmon goes over to the scaffold and fixes it. Spider is making a dip-net, but it too is not well made. “What are you doing?” Salmon asks. “Oh, I’m just making a dip-net. I thought I might try my luck at catching a salmon or two. They might take pity on me,” Spider says. “Well, let me see the net,” Salmon says. He takes the net and fixes it. Salmon goes down to the scaffold. He puts the dip-net into the river, and just like that, catches a salmon. He goes back to Spider. “Well, there are a lot of salmon in that river. Everything is ready. I dipped out one salmon and left it there for you,” Salmon says. “Soon the human people will come to this place. When the people come, you’ll show them how to catch salmon,” Salmon says.

“There’s a big camp of the Dove people up river,” Spider says. “The chief has a good-looking daughter. The one who can split the four pieces of elk horn, each as long as a spear point, he can marry her. Many have tried, but all have failed,” Spider says.

Salmon is going up the river. Along the way he picks up a piece of sharp flint and puts it under his fingernail. He comes to a small pouch of salmon oil and puts it in his mouth, just behind his cheek.

Salmon is going up the river. He comes to the camp of the Dove people. There are many men sitting there. Each had tried to split the pieces of horn, but all had failed. “It’s up to you, Salmon,” the men say. “Well, if the chief asks me, I’ll try,” Salmon says.

The chief invites Salmon to try to split the four pieces of elk horn. “Do you want me to split these pieces here, here, here, and here?” Salmon asks. Salmon points his

finger at each piece of horn, and moves his fingernail from one end to the other. Salmon then places each piece to his mouth and gives it a kiss. Salmon twists and twists each piece of horn, and one-by-one splits them into several pieces.

Salmon turns to Dove. "The people will be very angry that we married. Hold tight to my belt and you'll be safe. The arrows won't hurt you. They're after me," Salmon says. The men in the camp are standing around. Salmon runs across the camp, toward the river. "There goes Salmon getting away with Dove. You must do something," the women say. All the men grab their bows and arrows, and run after Salmon. They shoot at him, but the arrows only glance off Salmon's slick back.

There's all this shouting and commotion. Porcupine is sleeping in his lodge, away from the camp. He hears the noise, and pushes open the flap of the lodge door. He puts on his moccasins and quills. Porcupine starts down the hill, but he's too slow.

There's all this shouting and commotion. Rattlesnake looks out. He sees Salmon with Dove. Rattlesnake takes out one of his poison fangs, and puts it onto an arrow shaft. He shoots the arrow and hits Salmon in the back of the head. The arrow-point stays in Salmon's head. Salmon tumbles and falls over into the river. Salmon floats down the river. He's dead.

The Wolf brothers are great hunters. They see what happened to Salmon and come down from the mountains and take Dove back to their own camp. The brothers make her do all the work. They're cruel to her, and she's very unhappy.

Salmon returns next spring. He is going up the river. He comes to Old Man Spider. "The Wolf brothers have taken your wife, and they are cruel to her," Old Man Spider says. "I'll go up the river for her," Salmon says.

Salmon is going up the river. He comes to the camp of Whitefish. Whitefish is whistling as he makes a three-pronged fish spear. "What are you doing?" Salmon asks. Whitefish keeps whistling. "What are you doing?" Salmon asks. Whitefish turns, grabs Salmon, and pushes the spear into Salmon's arm. "This is what I'm going to do. I'm going to use it on you, Slick-Eyes," Whitefish says. "That's hurting me," Salmon says. Salmon pulls the spear from his arm and looks it over. "That's a pretty good spear," Salmon says. Salmon grabs Whitefish and pushes him down. Salmon jabs the spear into the back of the neck of Whitefish. "Soon the human people will come to this place. When the people come, they'll use the three-pronged spear to fish for whitefish," Salmon says.

Salmon is going up the river. He comes to the camp of Rattlesnake. He's in his lodge. Salmon hears Rattlesnake sing: "I shot Salmon. Salmon was chief. He fell dead." Salmon goes into the lodge. Rattlesnake hears something and sings: "I'm sad that Salmon is dead. Salmon was chief. His death made me lonesome." "Yes, it is too bad you're lonesome, but you'll no longer be able to kill people from a distance," Salmon says. "Soon the human people will come to this place. When the people come, rattlesnakes will crawl on their bellies, and always warn the people before they strike," Salmon says.

Salmon is going up the river. He comes to the mountains and finds the camp of the Wolf brothers. They're out hunting. Dove is there. "What do the Wolf brothers do when they return from the hunt?" Salmon asks. "They first go down to the river to wash," Dove says. Salmon goes down to the river.

The first Wolf brother, the oldest, comes back. "I smell Salmon," he says. "How could that be? He's dead," Dove says. "I'm not so sure!" he says. The first brother

goes down to the river to wash. When he's in the waters, Salmon is there and takes out his knife. And soon the Wolf brother floats down the river. The next Wolf brother comes back. "I smell Salmon," he says. "How could that be? He's dead," Dove says. "I'm not so sure!" he says. He goes down to wash. Salmon is there with his knife. And soon the Wolf brother floats down the river. The youngest Wolf brother comes back. "I smell Salmon," he says. "How could that be? He's dead," Dove says. "I'm not so sure!" he says. He goes to wash. Salmon is there. "Soon the human people will come to this place. When the people come, they'll find you gone from this country. You'll be in the timber country and be the first timber wolf," Salmon says.

Salmon takes Dove to the river. "I'll leave you now. But each spring when I hear you cry, I'll come up the river. We'll be together then," Salmon says. "Soon the human people will come to this place. And when the people come, they'll hear you crying in the summer. When they hear you cry they'll know I'll be coming up the river," Salmon says. And Salmon always goes up the river.

MYTH PEOPLE AND PREPARING THE WORLD

With Salmon leading the way and our question in hand, let us travel with the Myth People as they prepare the world for the coming of the human people. Throughout aboriginal North America, the Myth People have inhabited the world since time immemorial. In their adventures and sometimes misadventures, the Myth People have transformed and brought forth all the land-forms we now see – the rivers and mountains, the forests and grasslands. They created the animal and bird people, and the fish and plant people, as well as rid the landscape of all sorts of monsters. Through their actions we witness how various social institutions, ways of subsisting, and teachings to live by were established. These powerful beings did all this for one ultimate and primary aim – to prepare the world for the coming of the human people, whom they subsequently created as well.

In the instance of Salmon, we glimpse how this Myth Person first established the use of dip-nets and scaffolds for the catching of salmon, how whitefish are to be fished with a three-pronged spear, how rattlesnakes and wolves came about, and how humans are to listen to the dove as she announces the arrival of salmon each year. Throughout the adventure we also witness tremendous transformative powers of life and death. In another version of the same account, after Salmon had been killed by Rattlesnake and floated down the river, the bones of Salmon are discovered by Mouse, the Sly One. After several days of rubbing the bones with salmon oil, Mouse brings Salmon back to life (Mourning Dove, 1990: 93). Our particular story of Salmon is an abbreviated, free translation of the narrative originally told by William Burke in 1930, a Sanpoil from the Collville Reservation in Washington (Ray, 1933: 142–145). In addition to the Sanpoil, the story of Salmon was widely told throughout the Columbia River region of the Plateau by members of the Okanogan of Washington (Mourning Dove, 1990: 93), and the Coeur d'Alene (Reichard, 1947: 119) and Nez Perce of Idaho (Phinney, 1934: 222), for example. And the story of Salmon continues to be told.

Salmon is but one of a large host of the powerful Myth People. Other Myth People include Coyote and Little Fox, Sweat Lodge and Burnt Face, and the Swallowing

Monster (Frey, 1995). Among the Inuit (Eskimo) an important Myth Person is Sedna (Boas, 1964), while among the Dine (Navajo), Changing Woman and her sons, Child of the Water and Monster Slayer, are central (Reichard, 1950; Yazzie, 1971), as are the Little War Twins for the Hopi (Titiev, 1944) and the Good and Evil Twins for the Iroquois (Wallace, 1970).

For the Inuit the world was originally a difficult place. As there were no seals, walrus, and caribou to hunt, clothing was poorly made, kayaks easily sank, and there was no oil to heat the winter igloos or cook the meager meals. Among the villagers there was a handsome girl, with a proud heart, who had not yet married. Her name was Sedna. One day a great bird flew into their village and promised a good life if she would marry him. But upon arriving at his village, life was no better. Her husband spent his time gambling; Sedna's time was spent crying. Upon discovering the plight of his daughter, the father decided to bring Sedna back home and they set out in his kayak. But when the birds returned from their gambling and discovered Sedna gone, they pursued her. In the open sea, the birds hovered close to the kayak and it was about to capsize. Fearing for his own life, the father threw Sedna to the sea. She grabbed hold of the side of the kayak with her hands. But her grip was released with a sharp knife. As her fingers fell to the water, they became the seals, the walrus, and fish. Unable to swim, Sedna fell to the bottom of the sea. Without their Sedna the birds returned to their home. The father made his way to shore. As he slept that night, Sedna killed her father. Sedna remains at the bottom of the sea, and watches all that transpires from her abode, an igloo which opens to the sky. And now the people have seals and walrus to hunt, meat to fill their stomachs, oil to fill their stone lamps, and hides to cover their kayaks, summer tents, and bodies.

The Iroquois tell of an abundant sky world, inhabited by people, and an earth world below, as yet unformed and uninhabited. There was a young man who was sick and about to die. He had a dream and was told that if his brothers plucked from its roots the great tree that provided light to their world and let it fall to the earth below, he would regain his health and the world below would be created. Where the tree had been, the young man and his wife looked down the hole to the world below. He told her that she would become the mother of the earth peoples, and pushed her through the hole. Falling from the sky world above, the young woman's fall was cushioned by the birds. Resting on the back of a great turtle, she looked out upon the waters that stretched in every direction. Water birds dove and brought up the mud from the sea's floor, placing it upon the back of the turtle and thus creating the earth. Soon the young woman gave birth to a girl, who she called "Daughter." Disobeying her mother, Daughter went to the waters and there conceived twins. Even before they were born they fought. The Good Twin was born the proper way, but Evil Twin came out from under his mother's arm, killing Daughter. Her body was lain to face the wind. With the help of Good Twin, from the direction of his mother's feet emerged the sun and moon, each setting in the direction of her head, and from her breasts came the corn that would feed the people. While it was Good Twin who created the human people, the foods they would need, the rains to nourish the plants, and the rivers to travel upon, it was Evil Twin who sought to reverse his brother's actions. Where rivers had been created with two currents, so people could easily travel in either direction, Evil Twin made rivers with only one current. Evil Twin created snakes and monsters of all sorts, blight on the corn, and diseases and death itself. To

settle their rivalry, the Twins agreed that whoever could move the Rocky Mountains would be the victor. With a great hickory tree as his cane, Evil Twin indeed moved the mountains. Thinking he had won, Evil Twin turned his back to his brother and the mountains. It was Good Twin's turn. The Rocky Mountains were then moved so far that when Evil Twin turned around, his nose bent and broke against them. Conceding to his brother, Evil Twin acknowledged Good Twin as the Creator of the world. Evil Twin agreed to give the people the power to cure diseases and control the weather, provided they wear his image as wooden masks and offer tobacco and cornmeal to the masks.

For the Hopi it is also twins who play a prominent role in the creation of the world, though both assume a benevolent role. After the numbers of Hopi children had grown out of control in the village, causing thievery and fighting, the "Two-Hearts" (witches) gathered in secret and created a male and female So'yoko (a type of powerful katsina, though with evil intentions). Raiding the village at dawn, the giant So'yokos fed off the children of the village. In time, the villagers became alarmed at the loss of children and asked the Little War Twins, the grandsons of Spider Woman, to assist them. Allowing themselves to be caught by the So'yokos, the Twins were placed in the monsters' oven to cook overnight. But with their powers, the Little War Twins were unscathed by the heat, and during the night, came out of the oven. They seized the children of the So'yokos and placed them in the oven. As the So'yokos feasted during their morning meal, the Twins called out to them and a great battle ensued. With rabbit sticks, the So'yokos were slain. But following the warnings of parents, children who commit some mischievous or unruly act may still fear a visit by the giant So'yokos.

Predominant among all the Myth Peoples, though often with a notorious reputation, is the trickster. He is known by various names; the Tsimshian of the Northwest Coast call him *TxämsEm* or Raven, while among the Plains peoples such as the Blackfeet he is known as *Napi* or Old Man, the Crow address him as *Isaahkawattee* or Old Man Coyote, and the Sioux, *Iktomi* or Spider. For many other tribes he is simply known as the Coyote. With competitive skills at negotiation, chicanery, and deception, the Coyote attempts to effect his will and desires upon his landscape. (Even Salmon could successfully employ a trick or two, behind his cheek and under his fingernail!) In the example of the "earth-diver" narratives among the Arapaho, Blackfeet, and Crow of the Plains, mud was brought up from the bottom of a primordial sea by a water bird and, with a small piece of the earth, Coyote fashioned the landscape, created other animals and plants, and helped establish various customs and institutions. In order to have someone appreciate his creation, Coyote also molded from the earth and gave life to the first human beings. He was particularly pleased with his female creation!

In the Plateau, the account of Coyote and the Swallow Sisters is widely told. The Sisters had captured all the salmon in a pond near Celilo Falls on the Columbia River. With his cunning skills and transformative powers, Coyote changed himself into a helpless child and drifted downriver in a cradleboard in front of the Sisters. Taking pity on the child, the Sisters rescued the infant from the waters and brought the child to their lodge to care for it. Each day when the Sisters departed, Coyote became himself and, with his digging stick, began to break up the earthen dam holding the salmon. Upon their return, Coyote changed back to a child. Finally, during the fifth

attempt, Coyote broke the dam and freed the salmon to go upriver. Upon their return that day, Coyote turned the Sisters into swallows, whose flight now signals the return of the salmon each year. In another of Coyote's deeds, he showed an elderly couple and their good-looking granddaughter how to construct a fish weir and then organize and carry out the important First Salmon Ceremony. In so doing, Coyote teaches how to redistribute the salmon catch among the people so all are cared for, and assure the continued return of the salmon each year (Ray, 1932: 69–75).

But there is also the Plateau story of Coyote and the Woman. When Coyote comes upon a particularly beautiful woman and desires her as his wife, the people refuse to allow the marriage. In anger and with his great powers, Coyote makes the great falls near Spokane, Washington and Post Falls, Idaho. As a result, salmon are prevented from going upstream and the people are denied this important food source. But his vengeful deed is not without consequences for soon after Coyote is also found dead, having been transformed into a rock.

While often acknowledged as a benevolent culture hero, helping prepare the world for the human people, the trickster can also exhibit an aberrant, selfish, and amorous character, as when he is prevented from obtaining a wife. Coyote might attempt to apply deception and trickery to gain a free meal, the woman of his desires, or some other valued object. Yet Coyote's elaborate schemes to outwit an opponent or unsuspecting victim are just as likely to end in failure, with himself being duped by his own trickery and made to look foolish. Typically, when Coyote's actions are self-effacing and he seeks to benefit others, as when he releases the salmon to feed the human people, his deceptions and trickery succeed, the monsters are slain, and the world is prepared. But when Coyote is self-serving, as when he desires a particularly beautiful woman and threatens to withhold salmon for the people if his wishes are not met, his actions often fail and he is made to look foolish.

In contrast to the trickster's reliance upon only himself to accomplish his deeds, in many of the hero tales, seeking an alliance, or, as in the case of the Crow, an adoption with "medicine father," dominates the action. In the example of the Scar Face stories of the Blackfeet or Burnt Face stories of the Crow, the protagonist finds himself disfigured, poor, and ostracized, and, consequently, unable to obtain full adult status. It is as if he is an orphan, without family and the support it can provide. Alone, he sets out on a great journey to face seemingly overwhelming obstacles and challenges. In the Crow account, after a four-day journey to a high mountain ridge in the Bighorn Mountains, the young boy begins a food and water fast. On the fourth day, a powerful spirit animal, the Eagle, appears before Burnt Face. Because of his bravery, generosity, and "good heart," Burnt Face is adopted by this guardian spirit. Subsequently, Burnt Face's scar is removed, his family position is reclaimed by the addition of a new "father," and he lived to an old age. In fact, Burnt Face was so old that "when he moves his skin tears"! As with other cultural hero traditions, in the Blackfeet instance Scar Face also brought an important ceremonial institution to his people, the Sun Dance. And we see in Burnt Face's journey the procedures involved in the vision quest.

While they had once traveled the landscape, at the beginning of time, the Myth People continue to do so today, in the rivers, lakes, and sky, and on the mountains and prairies. It may be the Wolf, Eagle, Salmon, or some other Myth Person who elects to come to a young man or woman, as a guardian spirit, during a summer vision quest.

During a Plateau Winter Spirit Dance, the Wolf might then reveal itself in the movements and sounds of a dancer, the dancer becoming that spirit. In that same evening ceremony it may be one of the other Myth People who responds to a prayer request, providing a healing from an affliction. Similarly, for the Iroquois it may even be Evil Twin who visits an individual during a dream and directs him to carve from a living tree a mask in his likeness, twisted nose included. When the mask is cared for properly and worn during a Society of Faces ceremony, the dancer becomes the spirit of his mask and has the power to heal sickness.

Among the Dine (Navajo) it is the *Yei*, the Holy Ones of the creation time, such as Changing Woman, Monster Slayer, or First Pair, who are present during a Blessing-way, one of the many Holyway healing ceremonials, or a *Kinaaldá* ceremony (girl's puberty ritual), for example. Having emerged from previous worlds into this the fifth world, the *Yei* go about transforming the land. From inside the heat of the first sweatlodge, the *Yei* think and then sing the world into existence. From the soil brought up from the previous world, First Man molds the four sacred mountains: Mount Taylor is to the south, covered in turquoise and blue swallows, and the home of Turquoise Girl; to the west, covered in abalone, where Abalone Shell Boy dwells, is San Francisco Peak; La Plata Mountain is to the north, covered in a blanket of obsidian, and within which lives Obsidian Girl; and in the east is Blanca Peak, covered in a blanket of white shell and the home of Dawn Boy. On a centrally located mountain, Changing Woman is born. Raised by First Pair and fed on the pollen from the sun, clouds, and plants and on the dew of flowers, Changing Woman is intimately associated with the earth, transforming herself as the seasons change, from youth, to maturity, to old age and death, then to be reborn each year. Having created the human peoples by rubbing parts of the earth with her own body, Changing Woman is particularly essential in the transformation of a girl into a woman. During a *Kinaaldá* ceremony, the young girl is molded into and becomes Changing Woman. In the various sandpaintings associated with the numerous ceremonials of the Dine, it is the *Yei* whose transformative presence is manifested and brought to bear in the accompanying colorful images made of earth and plant materials. The Myth People continue to travel the landscape of the human peoples.

STORYTELLING

There is this one Coyote sitting up on this hill, you know.

And he is just looking around.

And there's an Indian village down below,

and he's kinda . . . checking it out so maybe later on he can go down and get some scraps or something.

And here comes this *other* Coyote.

And they start talking and visiting with one another.

And the first Coyote turns around and tells the second one,

“*Well*, you're just *like me*, you know.

You're a Coyote *too!*”

And the other Coyote says,

“*No* I'm *not!*”

He says,

“I’m ‘*Another One*!’”
 And the first Coyote says,
 “*What do you mean,*
 You’re ‘*Another One*?’”
 And the second one says,
 “*And that’s what I am!*
 I’m ‘*Another One*,
 I’m *not* a *Coyote!*”
 And the first Coyote says,
 “*Well . . . can you tell me why you’re not a Coyote?*”
 And he says,
 “*Well, let’s go running through this village down here and I’ll show you.*
 And we’ll meet on the other side of the valley.”
 So the first Coyote takes off running.
 He *runs through* the Indian village.
 And these two old men,
 they’re sitting by their tipi,
 and they say,
 “*Oh, look there goes the Coyote!*”
 And pretty soon this other one comes *running down* the hill,
 and the second Indian says,
 “*And there goes another one!*”
 So when they got on the other side,
 that second Coyote told him,
 “*See I told you,*
 I’m not a Coyote,
 I’m ‘*Another One*!’” (followed by a laugh)

As the narratives are conveyed through the oral-based medium of the human voice, the act of storytelling is an essential component of the oral traditions. The narrative above, “Coyote and Another One,” is an attempt, albeit still only an approximation, to convey in a written format some of the oral nuances of the storytelling performance. The story was told by Bingo SiJohn, a Coeur d’Alene, in March of 1993. She related that “it was one of my favorites.” This text is a verbatim transcription of an audio-taped recording of her performance, and is formatted in a poetic style, using verse demarcations, to better replicate Bingo’s dramatic rhythm and pacing. Her patterned intonation and stress (voiced inflection of morphemes) are marked by italicizing the appropriate words. Pauses are marked by commas, periods, and dot ellipses – a comma indicating a brief pause, a period marking longer pauses, while a series of dot ellipses still longer pauses.

Traditionally, to tell stories a storyteller would have the right to do so, often inheriting such authority. Both men and women can become accomplished storytellers. For many tribes it is only during the winter season, from the first frost in the fall until the first thunder heard in the spring, that the stories of Coyote should be told. Acknowledging tremendous variation from storyteller to storyteller, among the various styles and techniques exhibited by storytellers are the use of repetition of key phrases to signal key actions within the narrative, the singing of associated songs during the telling of a narrative, the dramatic use of intonation and pauses, the accentuation of body movement and hand gesturing, and, if the story is to be told

to its conclusion, the condition that listeners must affirm their involvement in the story by periodically saying aloud “*éé*” (yes), or motioning in some similar fashion. Should the storyteller fail to receive such acknowledgments, the telling would immediately cease for the evening.

Ingrained within the structure of the narrative text is the repetition of certain verse and action sequences. Salmon is always “going up the river.” On five separate occasions, with Spider, Whitefish, Rattlesnake, the Wolf brothers, and Dove, Salmon announces that “soon the human people will come to this place” and, as a consequence of his actions, helps prepare the world for their arrival. Throughout the Plateau, for example, the prominent numbers which govern these patterns are typically three and five, while on the Plains the stylistic pattern is often based on the number four. It takes Coyote five attempts at breaking the dam erected by the Swallow Sisters to free the salmon. When Coyote has done something particularly foolish and “dies,” Mrs. Mole, Coyote’s wife, has to jump over him three times to bring him back to life – whereupon Coyote says, “Oh, I’ve been sleeping a long time.” And Mrs. Mole says, “You haven’t been sleeping, you’ve been dead!” For Burnt Face, it takes him four days to journey to his fasting site, and then four more days of fasting before he is visited by a guardian spirit. The patterns of repetition not only highlight the key actions of the story, but help draw the listener into the rhythm of that story.

Characteristic of the narratives is a rather concise and terse use of language. Descriptions of the landscape and the characters that roam it, as for example, Salmon, Dove, and Spider, are only minimally conveyed. In addition, the underlying motivations of the actions of these beings are, in fact, seldom elaborated. We learn that Salmon walks on the land (as well as floats down the river), speaks to the other Myth People, has an arm, fingers and fingernails, a mouth and a cheek, even wears a belt, and can be brought back from the dead. But left unclear is why Rattlesnake would kill Salmon, Whitefish stab Salmon, the Wolf brothers take Dove as a slave, or even why Salmon would marry Dove. As a result, the story listener’s imagination is afforded the opportunity to complete the images of the landscape and its characters, and to discover within the narrative the motivations of the Myth Peoples. It is for this reason that the word images provided in the narrative only hint at the descriptions of Salmon or Dove. Archie Phinney, a Nez Perce and student of Franz Boas who made a comprehensive study of his people’s oral literature, stated that there is “no clear picture” of the physical images of the Myth People “offered or needed” (Phinney, 1934: ix).

The act of storytelling is made particularly potent given the use of native languages. In the example of the Crow language, when the words of the story are told aloud they have the power to bring forth and manifest that which is being spoken. This pivotal understanding is conveyed in the Crow term *dasshússua*, literally meaning “breaking with the mouth” (Frey, 1995: 154–158). That which comes through the mouth has the power to affect the world. To say “goodbye” is “too final,” “you may never see them again.” Instead, one says, “I’ll see you later.” One should not speak of an illness or “bad luck” for fear of bringing it to bear upon oneself. When a ritual Indian name, often descriptive of an animal’s actions, is bestowed upon a child, the wish is that the child would become the words of the name. If cared for and respected, that Indian name will help protect and nurture its host for life. At the end of a storytelling session,

having spoken the names and brought the Myth Peoples into being, the storytellers tell the animals, the fishes, and the birds to go to the mountains, the rivers, and the sky. What was witnessed in the telling is now free to return to the world. In weaving the words of a story into a rich tapestry, the narrative no longer simply describes a mythic landscape, but the landscape it animated and made immediate. A lake is made, a bird brought forth, a forest of cedar given form.

The understanding of the creative power of language, coupled with the various techniques used by storytellers, all coalesce to help encourage the listeners of the stories to become participants within them, traveling the same trails alongside Salmon, Coyote, or Burnt Face.

With the loss of native language fluency and use becoming critical in so many Indian communities today, more and more of the oral traditions are being presented by Indian storytellers in the English language. In addition, as these narratives are increasingly being shared before predominantly white audiences, such as during educational conferences or in public school presentations, some native storytellers modify the story texts to accommodate the sensibilities as well as plot and character expectations of their white audiences. But a recurring criticism of English-told stories, voiced by other elders, is that “the words have more meaning in the Indian language.” Certainly, the unique linguistic nuances, play on words, and contextual references that often energize stories with humor are typically lost when presented in English. The “creative power” of the native spoken word is also lost. Complicating the situation further is the growing reliance on previously published written texts as sources of revitalized oral presentations. Such texts are often subject to editorial revision before publication, typically deleting repetitive phrases, and omitting linguistic and oral performance nuances, for example, all of which contributes to the intended meaning of the oral traditions.

Nevertheless, even when told in English the narratives continue to be powerful teaching tools within many Indian families and communities today, helping pass along traditional values and enhancing a sense of “Indian” identity. Essential lessons, characters, actions, and significances are retained. To listen to examples of English-told oral traditions, see the Internet project developed by the Coeur d’Alene Tribe of Idaho (Schitsu’umsh and Frey, 2002). In this capacity, the English-told narratives remain critical windows into the Indian experience, providing opportunities for ethnographic interpretation, as well as cross-cultural understanding and appreciation.

PERPETUATING THE WORLD

How might we now respond to our question regarding the significance of Salmon’s story, and of the oral traditions in general, for the lives of Indian people? Certainly our response would acknowledge that to have laughed or to have shed a tear is to have appreciated a good story. The oral traditions can touch an emotive chord in the listeners of the stories, offering a sense of suspense and anticipation, of tragedy and despair, and of comic delight; the stories can entertain. When the arrow pierced Salmon’s back, Dove’s sorrow might be felt, but later, upon Salmon’s return up the river, sadness is replaced with hope. Humor, as in Coyote’s antics and certainly

the most difficult element to translate into the English language, can allow a listener to “lighten the load” in a difficult circumstance, as well as “explore the heavy issues” in a moral lesson offered in a story (Frey, 1995: 175). What’s in a name, albeit “Another One”?

Within each of the oral traditions are embedded a variety of teachings and moral lessons, as well as practical knowledge. While a storyteller typically refrains from providing an Aesop-like moral conclusion at the end of the telling, listeners of all ages are nevertheless encouraged to actively “listen” and pull those particular teachings out of the story appropriate for their given maturation. Upon hearing the same stories the following year and with a year of added experiences behind the listeners, new lessons are to be offered and made immediate and appropriate to each listener. Any given oral tradition likely conveys multiple levels of meaning, each awaiting discovery by the listeners. The youthful are morally guided and educated, while the maturing are rejuvenated and reaffirmed in the identities and values conveyed through the stories.

In the example of Burnt Face, as in other hero tales, we might find the ideals of courage and brotherhood, generosity and self-effacing valor expressed. In the actions of Coyote can also be found lessons. Typically, in his self-serving folly are teachings of what would not be appropriate behavior when perpetrated on one’s kinsmen, *of how not to behave*. Such actions might be judged greedy and vile, with the consequences of Coyote’s foolish deed serving to emphasize the lesson. And an elder might add, “Don’t be the Coyote.” On the other hand, such deceptive, self-focused behavior, when directed at an adversary and non-kinsmen, would just as likely be revered as “wise” and gallant, *of how to behave*. It is as if one is “counting coups” on a worthy opponent.

From Salmon we might come to learn and appreciate his role, as well as the role of the other Myth People, as essential benefactors. In addition to the practical gifts left for the people who would soon arrive, as in the example of how to catch salmon and whitefish, the story of Salmon and the other oral traditions can also instill an understanding that the human is a part of a larger web of spiritual and kinship ties. Certainly the inexorable relationship between the sacred mountains, the human peoples, and Changing Woman is reiterated each time her story is told, a sandpainting reveals her image, or a *Kinaaldá* is performed.

From her abode Sedna continues to watch over the seals and other animals of the sea. When a seal offers itself up to a hunter, respect is to be shown the animal. Fresh water is dripped into its mouth, dogs are not allowed to chew on its bones, its meat is distributed to all in need, nothing is wasted and all is utilized. And then only that amount of game is hunted that meets the needs of the family; never more. If respected in such ways, the seal’s soul returns to Sedna to be re-outfitted with a new body and swims off again. But should the dogs gnaw on the bones or fresh water not be offered, the soul of the seal returns to Sedna inundated with “disgusting infestations.” Angered, Sedna withholds the seals from the hunters and, as a consequence, their families suffer. Thus reiterated in Sedna’s story and the actions of hunters is the understanding of a delicate kinship relation between animal, human, and spirit, and the essential reciprocal exchanges that must transpire if kinship is to continue. The seal will voluntarily offer itself to a kinsman, the hunter, should its offering of meat be reciprocated with gifts of respect.

As the landscape, with its rivers and mountains, prairies and lakes, sea and land, are anchored in the oral traditions, the retelling of the stories continues to imbue the landscape with the teachings of the Myth People. The Columbia River, Celilo Falls, the great falls near Spokane and Post Falls, the Bighorn and Rocky Mountains, and Mount Taylor, San Francisco Peak, La Plata Mountain, and Blanca Peak are all endowed with meaningful significance and ethical definition. Identical relevance and meaning coincide, whether in hearing of Salmon's tale of going up the river, or in viewing the cascades along the Columbia. It is not solely the oral traditions and their associated ceremonials that thus house and convey the teachings of the Myth People, but the landscape instructs as well.

An additional component might be included in response to our question. Conveyed in the words and gestures of the act of telling their stories, Salmon, Coyote, and Burnt Face are continued, brought to life, viewed, and engaged in by the participants of the story, and manifested in the experiential world. "The world is made and rendered meaningful in the act of revealing Coyote's story of it" (Frey, 1995: 214). The stories' participants are helping bring forth that which is spoken and, in the process, integrating themselves in the unfolding landscape. The landscape encountered while on a walk alongside the Columbia, or through a participation while hearing the story of Salmon, are thus indistinguishable, permeated with the same significance. Story and world are as one. The oral traditions thus help recreate and revitalize the worlds of the North American Indian. It is a landscape renewed and a people reinvigorated.

In formulating your responses to our question, I should note my reluctance to include an "explanatory" function. While it is often articulated in popular literature and even elementary school textbooks, such a conviction implies that the oral traditions have somehow evolved out of the "created imaginations" of people in order to help explain how and why the world operates as it does. A story would be fashioned to help resolve one of "life's great dilemmas or mysteries." My reluctance arises from three concerns. In offering an "explanatory" function there can be an inclination to align and then contrast oral traditions with scientific inquiry. In so doing the stories are too easily dismissed as representative of "pre-science" or as a "false science," and thus simply as quaint beliefs and fantasies, and inevitably illusionary. But in so doing the truth of the oral traditions, as appreciated and revered by Indian storyteller and listener, and certainly grounded in an epistemology distinct from that of science, is overlooked or even denied. What is considered most cherished is repudiated. Secondly, to offer an "explanatory" role for the oral traditions can presuppose a sort of dualism, separating the oral traditions from the experiential world referred to in the stories. Such a position might be phrased: the *oral traditions* account for the *world*. But such a dichotomy is not inconsistent with a singular, participatory-based worldview in which stories are understood as "making the world," the oral traditions and the world indivisible. And finally, an explanatory role presupposes that the stories originate out of human experiences, for example, as in a need to account for the rising of the sun or the changing of the seasons. But in keeping with an indigenous perspective, we are reminded that it was in the perennial age that the oral traditions were given birth. The oral traditions are not stories "created" in the imaginations of those who tell of the Myth People, but rather are a retelling of what was first told, through deed and

action, by Salmon, Coyote, Changing Woman, Burnt Face, and the other Myth People.

Nevertheless, this is not to suggest that explanatory elements are not implicitly or even explicitly expressed in the manner some storytellers use the oral traditions. In addition, an explanatory framing of the oral traditions has become even more pronounced given Euro-Americanization of many stories and as the stories are increasingly told before non-Indian audiences. New expectations are being acquired.

So what significance and meaning might Salmon's story hold for those who tell it, and, by extension, what significance do the oral traditions in general have in the lives of Indian people? In telling Salmon's story, the listeners would certainly be entertained; they can acquire the ancient wisdoms and teachings, and become educated; and, indeed, they are revitalized, as they and the world are perpetuated. From the perspective of the storyteller, would he or she not hold that the existence of the young and the old, of the human, the animal, and the Myth Peoples, indeed the landscape itself, all are interwoven in the telling of the oral traditions? Arguably, what is essential and meaningful, and what is most real and revered is revealed through the oral traditions, and, in turn, from the retelling of those stories the world is made. As Tom Yellowtail, a Crow elder, stated upon finishing the telling of his favorite oral traditions, "If all those great stories were told, . . . great stories will come!" (Frey, 1995: 177). And what other meanings and significances can be discovered in telling Salmon's story and in the oral traditions of the North American Indian?

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CHAPTER 9

Religion

Raymond Bucko

INTRODUCTION

When I did my initial fieldwork on the Pine Ridge reservation from 1988 to 1990, I was most struck by a sentiment that was often expressed by a variety of Lakota people. At different ceremonies and at gatherings where speeches were given I frequently heard people stress that religion (or “these ways”) was the last thing that the Indian people had left. While in different periods of time native people have been identified by a variety of markers – warfare, language, kinship lines, treaties, trade, or migration (see chapter 18) – today it is clear that religion is very important to native peoples and their identity, just as “spirituality” is one of the qualities perceived by many contemporary non-Indians to be essentially characteristic of Indians. This significance of religion in the very identity and identification of Indian people makes it crucial that this chapter not simply recount what has been learned about native peoples and who learned it, but also consider the ethical and moral role of anthropology in interacting with native people in the realm of religion and religious analysis.

In looking at the contributions of anthropology to the study of Native American religions it is essential to examine the relationship of native peoples with anthropologists and with the considerable body of scholarly information produced by anthropologists in the field of religious study. There is an unfortunate contemporary tendency – by both Indians and non-Indians, and both within anthropology and without – to dichotomize in simplistic terms all anthropologists, by nature, as either “good guys (or girls)” or “bad guys/girls,” as “rescuers” or “colleagues” of Indian people, or as “intruders” or “exploiters.” What is clear, however, is that the matter is much more complex, and that the relationship between those interested in studying native religions and those native peoples who practice these same religions has grown, if anything, increasingly ambivalent. Before we examine how anthropologists have studied native religions and the scholarship that anthropology has produced on this

topic, we need to consider the interrelationship between anthropology and native religious practice.

VITAL ISSUES

Anthropology, through its historical relationship with Native Americans as well as through its role as an academic discipline, has been both the object of and a participant in a longstanding debate involving Indian and non-Indian peoples and their interactions. The extreme positions of this debate are a call for total native isolation from curious outsiders, on the one hand, and free interaction with outsiders on the other hand. These positions claim to apply to not only outsiders interested in knowledge about native religious systems but also those interested in participating in native religions. Increasingly, many, but not all, natives question the role of anthropology as an authoritative voice for and about native religions and as the “authorized” holder of what is considered alienated intellectual and spiritual property, whether this material be contained in books or in museum store-rooms (see chapter 20). Given the central importance of religion in contemporary native societies, and the fact that much religious knowledge and practice was lost or suppressed through government and mission intervention, it is not surprising that the issue of access by outsiders to native religion is volatile today (Mihesuah, 1998a, 1998b, 2000).

Some native groups today have restricted anthropologists and other outsiders from observing and/or publishing accounts based on recently observed ceremonies. This is not something new, as native peoples have most probably restricted access to certain religious practices from the time of contact. At different times, however, groups have been more or less permissive in allowing outside observation and recording. Thus photographs were taken at Lakota sun dances in the 1970s, a practice which is not permitted today (Mails, 1978). At the same time, individuals and groups were willing to describe ceremonies and beliefs to outsiders to be vouchsafed for posterity and were quite interested in seeing this information carefully recorded and preserved. Also, some natives who converted to Christianity were willing to explain these former beliefs to outsiders for somewhat different purposes. In some instances, and perhaps this is the most problematic situation, native groups interacted freely with outsiders, without realizing that the visitors would record and subsequently publish the details of a given ceremony. Today there is a tension between valuing anthropologists for preserving and analyzing data that could have been lost and mistrusting anthropologists for looting data and perhaps distorting it (Hall, 1997). Some would even say that it would be better for native knowledge to have been forgotten than to be preserved, and thus controlled, by outsiders.

Ethical behavior requires that anthropologists make clear the purposes of their research and what they intend to do with the material gathered. Today it is essential to obtain permission to attend ceremonies for the purposes of research. Though anthropologists have access to materials that were gathered at earlier times or under different understandings of ethical behavior, they nonetheless need to act responsibly with both contemporary observations and preserved materials. In this regard native peoples have begun a lively dialogue with anthropologists to express their wishes

regarding both contemporary study and preservation of and access to archival materials. These voices will almost inevitably range from welcoming new research to prohibiting any research whatsoever, and anthropologists must work with these individuals and groups to discern proper behavior and responsible research.

A number of native scholars have addressed the question of whether anthropologists, or others for that matter, should study and write about native religion. (Of course, no single individual speaks for all Indian people, just as no single researcher represents all anthropologists [Irwin, 2000]. The fact that someone is Indian does not automatically or necessarily make that person authoritative, but it does give him or her a unique historical and cultural position – a *standpoint* different from that of a non-native scholar. Contemporary anthropologists have come to recognize native standpoints as important to intellectual dialogue on the study of Indian peoples.) Native scholars and others have pointed out that some information provided by native “informants” was simply fabricated in order to please or deceive outside researchers. This throws into question the validity of some of the data historically recorded by anthropologists. There is contention in the Native community over who in fact may speak authoritatively about native religion – both in terms of access to accurate knowledge, and in terms of the ethics of those made powerful by colonial history (anthropologists) presuming to speak for those marginalized by colonial history. Related to this is the question of what kinds of knowledge are appropriate for recording. Barbara Owl, a White Earth Anishinaabe, states:

We have many particular things which we hold internal to our cultures. These things are spiritual in nature, and they are for *us*, not for anyone who happens to walk in off the street. They are *ours* and they are *not* for sale. Because of this, I suppose it’s accurate to say that such matters are our “secrets”, the things which bind us together in our identities as distinct peoples. It’s not that we never make outsiders aware of our secrets, but *we* – not *they* – decide what, how much, and to what purpose this knowledge is to be put. . . . Everything else has been stripped from us already. (quoted in Churchill, 1992)

In addition to deciding who collects religious knowledge in native communities and how it is collected, there is the question of how and to whom these data should then be disseminated or if this information should be disseminated at all. Another vital issue revolves around the question of the teaching of Native American religions outside of their specific cultural contexts. Anthropology not only seeks to understand native religions through fieldwork and archival research but is also a scholarly discipline vested in publication and teaching this information in the academic world. Through publication, anthropology indirectly teaches materials on Native American religions and, given that the majority of anthropologists also have faculty posts in colleges and universities, anthropology is probably at the forefront of classroom instruction on the topic of native religions. But it would be an error to see the problems of (colonial) appropriation here as something unique to anthropology: departments of history, religious studies and theology, and even English and sociology have recently taken on the role of teaching about Native American religions. Courses on American Indians in general, and Indian religions in particular, are very popular among undergraduate students and are significant in departmental competition over student enrollment, which is increasingly at issue in higher education. Thus,

it would be both myopic and deceitful for professors who study and teach about native religions to suggest that they have “no financial stake” in the matter, and that their interest is “purely scholarly.” Academic careers, and even university departments, rely upon native “materials.”

The question of whether or not native religion should be taught about also entails the matter of who should teach this material. Scholars teach in higher education because of their knowledge on a given subject, certainly, but also because they are “properly” *credentialed* academically. The irony here is that native “informants” (or, organic intellectuals) are the primary teachers of the anthropologists for specific cultural data. Just as greater voice should be given to natives in ethnographies and other textual representations of religion, so too should natives be given a greater voice both in how Native American studies is taught, and in the actual teaching about native religion. For this to happen, academia needs to open itself to non-credentialed, or, better, alternatively credentialed (those not toting a Ph.D.), individuals who have considerable cultural expertise. Some strides have been made in this regard.

A professor of religious studies once told me that when he began to teach about native religions, he had to work mightily to convince students that these were valid religions worthy of academic study. In his current teaching – in the context of a very different popular image of Indians and Indian religions – he has to train students to be critical of the many vying portraits of native religions. His students are quite willing to accept native religion as worthy of study, but simply accept any generalization they encounter as a valid representation of those religions (Kehoe, 2000). Native author Devon Mihesuah states that in one of her courses: “I found it a challenge to ‘deprogram’ students who read New Age literature” (Mihesuah, 1998a). This question of authenticity is more and more pressing on both native communities and those who study about native religions. Anthropologists must be critical of their sources, but they must also “stand apart” not only to study authenticity but also to be critically (self-) aware of the *processes of authentication*, and how these change, and must necessarily change, if native people are to recover control over representation of their religions. Anthropologists should refrain from judging what is authentic in contemporary native religions, relinquishing that role to native practitioners themselves. At the same time, however, anthropologists must recognize that they do have a role in making accessible the religious data they hold in various recorded forms so that people may make better judgments with regard to authenticity if they choose to use those sources of data.

Yet another key issue is whether outsiders should be allowed to study and write about native religions. While some anthropologists are themselves natives (including contributors to this volume), and although all anthropologists are directly or indirectly dependent on their native teachers for information and guidance in their work, the majority of anthropologists are non-native. In native communities and among native individuals, a variety of answers to the above exist, ranging from a simple “no” to a simple “yes,” with a large area in between that questions not *that* native religions be studied but *how* they are studied. Proponents of this approach ask what is done with the information collected and how the information will benefit the community. The question is not simply (or necessarily) “who” the researcher is, native or non; but

how that person behaves in relation to the community, what her or his *relationship to the community* is.

Some natives continue to have an ambivalence toward the “study” of native religions, stating clearly that they do not wish to “be studied.” On the other hand, many natives also express the need to be understood and appreciated, especially in regard to religious practice that has been either demeaned or romanticized. Several Indian people I know have used books about Indian religion to begin the process of reclaiming their own religious heritage, moving from these texts to interaction with spiritual practitioners from their tribes. Thus there is a basic ambivalence toward the discipline on the part of native peoples: it holds information that may be useful or even critical, but this information is often alienated from its original owners, either through abstruse analysis and terminology or because it is in repositories or expensive books not available to native peoples.

Anthropologists have an obligation to reciprocate for their *dependence* upon the hospitality, expertise, and teaching of Indian people. In this regard, it is important to recognize that the data collected by anthropologists are of potential value to some native individuals as they seek to understand more fully their own religious traditions. On the other hand, some critics have taken the anthropological study of religion to task as being peripheral to the “real” political, economic, and social needs of native peoples. Thus, while religious data are of importance, some would want issues more “central” to natives’ relations with the outside world considered. Anthropologists have been responsive to this, as can be seen in other chapters of this book.

In making sense of native religions, it is important to keep in mind that one is not simply dealing with ritual structures, rules, and symbolic actions, but with specific individuals who have beliefs, doubts, and struggles, and who live in actual communities. Thus one must be extremely sensitive about information provided in the course of religious rituals, in interviews, and in informal conversations. It is essential that anthropologists respect the boundaries people set, and also realize that those boundaries may be redefined. Because there are a variety of religious expressions among Indian peoples and because there are differences of opinion within native communities, it is impossible to develop a single research or ethical program for the anthropological study of native religion. This fact does not license anthropologists to study anything anywhere on the grounds that “no one can make up her/his mind,” but it requires anthropologists to enter into dialogue with a wide variety of people in any given group, as well as across groups.

Anthropologists and students of native religions must recognize that native communities continue to endure into the present – they are not “of the past”; that those communities do indeed have rights over cultural knowledge and representation; and that anthropology as a discipline must be responsive to and prepared to collaborate with native communities. Good relationships with people are as important as good information. Anthropology needs to continue to examine its relationship with native peoples and also make its resources available to these groups. It is incumbent upon anyone who studies native religions to move respectfully and sensitively, recognizing that this information is not a disembodied collection of data, but the sacred living tradition of many peoples.

THE STUDY OF NATIVE RELIGIONS

Anthropology is not the only academic discipline to study Indian religions, and the study of Indian religions is not restricted to academia. Indeed, the primary students of Indian religion are native practitioners themselves, who learn their own religious systems through participating in rituals, discussing religious matters with other practitioners, and observing rituals performed by other practitioners and other cultural groups. Increasingly, native practitioners acquire knowledge through formal educational institutions such as grade and high schools, tribal or other colleges, as well as by delving into a rather extensive literature on the topic.

In order to learn about native religions, anthropologists become students of practitioners when they go to “the field” (which might as likely be a city as a reservation). In doing library research, anthropologists again rely on the generosity of native teachers who have instructed the authors of particular texts. American Indian religions have been studied in the contexts of history, literature, psychology, art history, theology, philosophy, sociology, law, political science, and various sub-disciplines of religious studies, such as the history of religions and comparative religions. Journalists, artists, photographers, novelists, and religious seekers have also arrived on the scene to examine and sometimes participate in native rituals.

Most importantly, there are also native people who straddle the boundaries between religious practice and Western academic study, and engage in the activities of both worlds. A considerable literature on native religions has been written by native people themselves. These works cross genres from anthropology to history, poetry, novels, and autobiography. Some native spiritual leaders have also written texts about their religious beliefs, either directly or through processes of transcription – and sometimes alteration – by non-native editors, processes which have produced a plethora of mediated texts (Neihardt, 1932; Young Bear and Theisz, 1994; Two Leggings, Nabokov, and Wildschut, 1982; Mails and Chief Eagle, 1979).

While anthropologists have produced many texts on specific Native American religions, methodologically they assume the integration of religion with the rest of the social and cultural phenomena of specific groups, rather than treat religion in isolation. Religion is not simply a cultural thing in itself, but exists in a social, political, aesthetic, economic, and cultural context within a specific social system and (in the modern world) across social systems. Native religion also strongly penetrates other cultural areas, such as medicine, kinship relations, warfare, and hunting.

When anthropologists examine native religions, they give attention to the specific cultural and historical context in which the religion is found, and recognize changes over time. Too often, native religions are thought of by non-Indians as immutable and monolithic both within and across groups. In the realm of the impressive popular interest in native religion, Indian people – or, at least “real” or “authentic” Indians – are often caricatured simply as sacred beings who do nothing other than perform rituals. Most tragically, these distortions separate religion not only from other elements in native life but from native people themselves. Like Judaism, Islam, Christianity, and Hinduism, native religions are dynamic (that is, characterized by historical change) and yet retain deep continuities with the distant past. Native religious systems are linked to living communities, many of which continue to retain some

practices, revive elements of belief and practice, innovate religious behavior, and incorporate religious ideas from the world around them. Because the descriptions of rituals and beliefs in anthropological writings amount to “snapshots,” some readers incorrectly assume that these practices themselves have never and will never change or, worse, that when the practices do change, the new practices are inadequate or “inauthentic,” or “not traditional.”

Classical anthropology is a holistic discipline employing the four fields of archaeology, physical anthropology, linguistics, and cultural anthropology. Cultural anthropology clearly dominates in the study of religion, but each discipline has a significant contribution to make to this study.

Archaeology is essential in recovering and analyzing materials involved in religious practice such as ceremonial items found at earth mound sites or grave goods (see chapters 20, 27). Note that this kind of research may be properly engaged in only with suitable permissions from communal, tribal, and governmental authorities, and even then only when conducted in a professional manner. While archaeology can be used to investigate the religious past of native peoples, it is also obliged to respect and honor the religious sensibilities of living native peoples, particularly when burial sites are involved (Mihsuah, 2000).

Archaeology has helped to reveal the antiquity of religious symbolism, practices, and ritual structures, although precise meanings and interpretations of these finds often remain obscure to contemporary analysis. Archaeologists must rely on anthropological records as well as the oral testimony of native peoples themselves, thus making cooperation and collaboration with native people essential.

The religious vitality of native peoples long before contact with Europeans is attested to by such archaeological remains as kivas in the southwest; numerous earth mounds and ceremonial centers created by the people of the Adena and Hopewell cultures which ranged from the southeast into the northeast; ceremonial pottery found in the southwest; a wide array of incised shell gorgets; sculptures; beaten copper and carved mica from Mississippian mounds; carved ceremonial pipes from the southeast as well as the plains; medicine wheels; earth mounds and complex village structures on the plains; and petroglyphs found throughout the continent. These sites provide materials for further study by native peoples and their collaborators when this is deemed appropriate.

Physical anthropology allows not only for the examination of physical remains of humans where and when appropriate, but can also help associate human remains with known cultural groups, an important asset in assisting in the repatriation of native remains found in museum and university collections. Physical anthropology is also useful for understanding the physiological effects of ceremonial practices such as ritual sweating. These kinds of studies must show some practical benefit for living native peoples in order to be permitted.

Linguistics is crucial for the study of religion among native peoples. This discipline permits deeper understandings of native religion through the study of concepts and texts related to religion and ritual. Texts recorded in native languages are essential not only to understand the structure of languages but also to gain insight into the thought processes and cultural emphases of particular groups. Such texts are also valuable resources for natives seeking to regain their cultural and religious heritage. Much misunderstanding and misinterpretation has resulted from facile translations of

native spiritual terms into what were believed to be equivalent European concepts. English terms such as “God” and “soul” are highly culturally contextualized concepts, with long histories of elaboration; they seldom are adequate translations for native concepts. Study of stories and religious descriptions in native languages and native language texts allows researchers to correct and refine past analyses of native religious belief. The use of original native terms in describing ritual and belief (along with “thick” description or interpretation) helps prevent the facile presumption of equivalence of native and non-native religious concepts, and presents a more accurate understanding of native belief by incorporating the complexity of native religious terminology rather than translating into single English terms whose nuances – complex in their own way – do not well match the native terms.

Cultural anthropology or ethnology is the locus of the largest effort at recording and understanding Native American religions. Cultural anthropologists seek not only to collect data (a preoccupation of the 19th century) but also to analyze the material and to compare it with the practices of other cultures. This comparativist project of anthropology has been more an ideal than a reality. Cultural anthropologists continue to interact with native peoples where and when they are welcomed, and strive to understand contemporary religious phenomena and refine past interpretations of religious practices.

CATEGORIES OF ANTHROPOLOGICAL ANALYSIS

To understand the centrality of cultural anthropology in the study of Native American religions, it is important to examine the categories anthropologists use to investigate religious phenomena in general, as well as the history of the study of the religions of the American Indians. Anthropology has contributed to the study of native religions not only in the diversity of its subdisciplines but also in the variety of its approaches. Anthropologists study religion both diachronically (across time) and synchronically (at a single time). Diachronic studies of religion allow students to examine historical and cultural changes in religious belief and practice brought about by such circumstances as historical contact with other native groups. The Navajo adaptation of elements of Pueblo religion is an example of a historical change in the Navajo religious system through cultural contact that might be emphasized in a diachronic study. The Ghost Dance of the Plains is another example of diachronic change in a religious system through the innovation of a prophet, Wovoka, as well as through contact with Christian ideas (Mooney, 1991). Synchronic studies of religion allow anthropologists to understand how religious systems operated at a specific period of time, such as healing ceremonies among the Iroquois at the time of contact, or religious support of the hierarchical political structure of the Natchez in the 17th century. Often anthropological studies utilize both diachronic and synchronic analysis. For example, my own work on the Lakota sweatlodge first examines how the ritual has been altered over time (a diachronic approach) and why the ritual is important today and how it is integrated into the contemporary cultural context (a synchronic approach) (Bucko, 1998).

Anthropologists are careful to examine the interrelationship of religion with the other elements of cultural and social life of native peoples. Native American religions

cannot be separated from other cultural institutions such as healing, political structure, hunting, and success in warfare. Religion is interpreted in relation to the other elements of the specific society under study. It is not extracted and compared in a formal way to other religious phenomena in North America or beyond, an approach employed by some students of comparative religion outside of anthropology.

Once a religion is understood within its cultural context, anthropologists often become interested in the diffusion (historical spread) of religious concepts, rituals, and practices both to a particular native group, and from a group. Religion is tied to economic patterns in that many rituals, beliefs, and practices are linked to hunting practices as well as agricultural activities, the two main traditional forms of subsistence for Native Americans aboriginally.

Anthropologists study classes of religious behavior such as rituals, religious leadership, beliefs about the origin and operation of the universe known as cosmology, life-cycle events from birth to death, rites of passage from one status in the group to another (usually based on age and/or achievement), beliefs about the divine and how to access spiritual powers, life crisis rituals, and rites of intensification such as specific rituals to increase the availability of game or agricultural produce.

Religious change and persistence is also an important area of focus. Anthropology classifies religious systems that are flexible and open to change as charismatic, and those that are more stable and carefully regulated as routinized. Religious systems often are transformed from one type to the other, depending on historical circumstances, such as the emergence of a charismatic prophet or the protection of a system from outside interference through standardization of beliefs and practices.

Anthropologists in the past often focused their study on what is referred to as the ethnographic present, the time just before contact with Europeans (even though writing *after* this period, anthropologists tended to write in the present tense *about* this previous way of life). This “present” is not a simultaneous moment across the continent, since Europeans had initial contact with native peoples in some parts of North America as early as the 1500s, and in other areas, such as the Great Basin and California, as late as the mid-1800s. Much of the record of the ethnographic present was compiled by a technique known as salvage or memory ethnography. Salvage ethnography assumed that a culture was already lost or radically transformed and could no longer be observed “uncontaminated,” so that its basic profile had to be salvaged through interviews with the last survivors of the “traditional” way of life. Memory ethnography implies the observation of a culture not through direct interaction by the ethnographer with people belonging to the group and enacting current cultural practices, but by accessing the memory of individuals to reconstruct an image of the culture from their memories of past practices.

For example, some ritual beliefs and practices were actively suppressed by the government missionaries, performed in secret, or fell into disuse on the reservations. Salvage anthropologists collected data from individuals who were very knowledgeable about these practices and willing to convey this information to outsiders in the hopes of its being preserved. Today, some native people believe that such religious information itself was gained through coercion, or that individuals simply made up materials to placate interviewers. Others hold that these individuals purposefully sought to preserve this information for future generations by making use of anthropologists to record the information. While matters are obviously extremely complex,

the ethnographic present undeniably has some value in “getting a handle on” the range of religious beliefs in native North America, and will be employed in my analysis, with all the above caveats in mind.

Religion and religious experience are simultaneously individual, familial, communal, and pan-human. All religious experience is based in the individual, but guided by the culture in which that person lives. With its roots in the secular tradition of the Enlightenment, anthropology has an ambivalence toward religion, sometimes treating it as a (universal) thing in itself independent of any one culture, and at other times reducing religion merely to systemic social or symbolic phenomena. The promise of anthropology for the study of religion lies in recognizing the close interrelationship of religion with the rest of an individual’s social and cultural world. A potential shortcoming of anthropology is to be found in its recurrent reductionist inclination, the interpretation of religion simply as one of a series of textbook “rubrics” of culture, as “subsistence,” “economics,” and “social relations.” It is not the role of anthropologists to validate religious experience, but anthropologists must respect all religious experience and treat it *as religious*. Thus in looking at the religion of any specific native person, such as, for example, Black Elk, it is essential to know his historical, cultural, and social context, while also respecting his visions as essentially religious.

A CULTURE-AREA SURVEY OF NATIVE RELIGIONS

Traditionally anthropologists have made “culture areas” into real categories (for example “the Southwest,” “the Plains,” “the Great Basin”, etc.) and have bounded each of these off as a self-contained cultural isolate. However, these geographic cultural groups were and continue to be dynamic, with ongoing interaction with one another, splitting apart or coalescing into new groups depending upon the particular cultural “trait” or historical period one is considering, and sometimes having contact with new or remote groups. The concept of “culture area” is a unique approach invented by anthropologists for organizing and analyzing cultural data. The strength of this mode of classification is the recognition that groups in easy physical proximity and who share a similar natural environment tend to develop similar cultural patterns. However, there are often wide variations in religious practices as well as unique practices *within* culture areas and even within specific cultural groups. And certain religious institutions, for example, the spiritual relationship of humans to animals, appear *across* culture areas. The same can be said of the (anthropological) concept of “tribe.” While the concept has some utility in understanding native peoples, the assumption that a tribe is a clearly bounded entity, culturally unique and monolithic, is largely a function of the *misuse* of anthropological data. All cultures are constantly transformed through both borrowing and innovation, and it is critical to keep this fact in mind in studying Native American religions, which are always and everywhere products of long-dynamic processes that continue in the present. “Culture-area” and “tribal” approaches tend to emphasize the religious manifestations from the “ethnographic present,” adding a “final chapter” examining changes in the religious system brought about through culture contact and the often tragic intervention by the governments and missionary projects first of Europe, and then

the United States. While this is not a completely inaccurate narrative form, it may not pay sufficient attention to the *continuities* of present native religious practices with the past.

With these caveats in mind, I will highlight the salient features of religious systems found at contact – that is, in “the ethnographic present” – in each of the ten culture areas, leaving consideration of internal religious innovation and the unique effects of colonization and missionization to the next section. Each culture area, while exhibiting religious similarities regionally, is made up of distinctive linguistic, political, economic, and social groups, and the features in each area do not necessarily exist in the religious system of every group in the area.

The Arctic culture area is known for its manifestations of shamanism. Shamans are ritual practitioners who enter ecstatic states and who undertake mystical journeys to the spirit world in order to cure patients. In opposition to curers, there are malevolent individuals who are capable of inflicting disease or harm; these are generally known in English as sorcerers or witches. A key spiritual element in the Arctic is the relationship between humans and the animals they hunt. Without proper propitiation and post-mortem treatment, animals will not permit themselves to be taken. If individuals violate taboos by hunting species forbidden to them, the game will disappear and famine will ensue. Other personal or communal sufferings may be inflicted for taboo violations. Individuals seek spiritual power, particularly for hunting, through the use of names, charms, and songs. There are some communal rituals that include bear ceremonialism (ritual respect in the hunting of bears) and interaction with powerful spiritual entities, usually through the mediation of the shamans. Stories about natural phenomena and mystical creatures are also important in the Arctic area. There are important sacred accounts regarding the creation of the world by the trickster figure Raven. Tricksters are found in many parts of North America, and are usually part-human, part-animal, or sometimes fully human. They may act both benevolently and malevolently (Fienup-Riordan, 1994; Fitzhugh and Kaplan, 1982; Lantes, 1947).

The Subarctic has a religious focus on recitation of cosmological accounts, especially in the winter season. Important rituals involve commemoration of the dead, with a focus on the spiritual power of drums as well as the spiritual power of certain animals that can become allies of humans. Shamanism is important, although generally less elaborate than in the Arctic and Northwest Coast, save for some areas where the Shaking Tent ritual is used to summon spirits who manifest their presence by literally shaking the lodge to which they are called. Acquisition of personal spiritual power is important. This power ensures success in such activities as hunting and healing. Shamans cure people by sucking on the affected part of the body to draw out objects that have been shot into individuals by malevolent people or spiritual forces (Tanner, 1979; Helm and Indiana University, American Indian Studies Research Institute, 1994; Helm, Carterette, and Lurie, 2000).

The Northwest Coast is characterized by highly stratified societies, a feature which is reflected in its religious systems. As in other culture areas, the Indians of the Northwest Coast have elaborate hunting rituals (on both land and sea) that focus on the necessity of placating game so that the hunter will be permitted success. Acquisition of a guardian spirit is essential for both men and women in this area. Shamanism is widely practiced, and is linked to both curing and inflicting illness. There are secret ritual societies based on rank and privilege. During the winter season,

spectacular ritual performances enact origin and other sacred dramas, using elaborate and exquisite masks and costumes as well as clever stagecraft. Clans and lineages (groups of descendants related by blood) exercise ownership of rituals, songs, and sacred stories. Mortuary rituals and ritual feasting and gift-giving commonly known in English by the generic term “potlatch” are also significant social and religious practices in this area (Wardwell, 1996; Kan, 1989; Boas, 1969).

Anthropological analyses of Plains Indians religion have a strong focus on specific rituals such as the Sun Dance and the Okipa (annual public ceremonies), vision quests, sweatlodges, adoption ceremonies, prayer rituals, bundle rituals, as well as variations of the Shaking Tent ritual. Death rituals and interaction with spirits are important in this area. Curing is carried out by a variety of spiritual practitioners, and some cures are effected through sucking out foreign material from the body. Malevolent individuals can inflict harm on others through spiritually shooting foreign objects into the body of an enemy. Dreams and visions are highly important, and there are societies of individuals who have had similar dream experiences. Ritual clowning, generally through reversal of normal behavior, is also a feature of this area. Some groups have central sacred objects such as pipes or arrows that have elaborate ceremonies around them. The Plains has a developed system of sacred stories, sometimes involving trickster figures. Spiritual power is sought by individuals for personal benefit and the benefit of the group. Songs are given by sacred beings as part of vision-seeking along with spiritually powerful objects and lifelong spirit guardians. In some regions, rituals are owned and carefully controlled by corporate groups; in other areas, access to ritual is more generalized and open. There are hunting ceremonies to call the game and agricultural ceremonies for groups who engage in this economy. Animals have sacred powers and need to be treated in a respectful manner. Those who abuse spiritual powers risk having ill fortune visited upon themselves or their extended families (Lowie, 1976; Powell, 1969; Powers, 1975; Catlin and Ewers, 1976).

The Plateau region of Native North America is best known for its focus on quests for guardian spirits. These spirits often grant the supplicants special songs that are spiritually powerful and can be passed on to others. Sometimes the supplicant forgets the spiritual encounter only to remember it years later. Shamanism is also a feature of this area. This religious role is open to men and women and, as in many parts of North America, shamans can be either benevolent or malevolent. Spiritual illnesses are often caused by shooting foreign objects into an individual. Curers suck the intrusive matter out of the patient. Many Plateau groups engage in rites to mark the arrival of the first fruits and first salmon. There is a well-developed assemblage of sacred stories in this area, and individuals seek spiritual power from songs, objects, visions, dreams, and animals (Cebula, 2003; Miller, 2003; Ruby and Brown, 1989).

Among the natives of the Northeast, spiritual power may be obtained either through tapping into a ubiquitous force in the cosmos or through supplication of powerful beings. This area has important ritual associations of various healing and medicine societies (medicine referring to both material cures and spiritual power). Charms ensure success in human endeavors. There are specific curing roles for individuals and for associations of curers. Malevolent witches are believed to cause sickness and other disasters. The agricultural societies in this area have elaborate rituals keyed to the growing season, and there are also rites for hunting and to placate

game. Importance is placed on visions and dreams and rituals to enact these dreams, which are considered wishes of the soul. The Mdewiwin or medicine lodge is an important sacred organization for some groups in this area. There are also elaborate death and mortuary rituals (Fenton, 2002; Hewitt, 1974; Wallace, 1970; Speck and Witapanòxwe, 1981).

The Southeast is known archaeologically for elaborate mound-builder cultures, which clearly had a complex (though not always recoverable) ritual and religious system. Societies in the Southeast at the time of European contact are noted for the importance of ritual spaces such as temples and ceremonial centers within towns. Agricultural rites such as the green corn ceremony, which is both a first fruits and a thanksgiving ritual, are also important. Hunting rituals are based in the moral ascendancy of game and on the belief that animals can inflict illness on individuals. Ritual practitioners have certain spiritual powers as curers, as controllers of weather, and as prophets who can diagnose illness and predict events. There is a belief in witches. Certain groups practice rituals of purification using emetics made of tobacco known as the "black drink," as well as prayer, fasting, and ritual bathing. Elaborate rituals mark the new year, featuring the extinguishments of sacred fires as well as engaging in ritual dances and ball games. Funeral rituals are also very important in this area (Swanton, 1928; Lewis and Jordan, 2002; Hudson, 1984).

The Southwest culture area has a ceremonial cycle that links subsistence activities with elaborate ritual performances. Pueblo religion focuses on the agricultural and natural/ecological cycles of the earth. Highly developed ceremonial cycles enacted by ceremonial associations maintain the order of the universe through masked dance and prayer observances, and ritual clowns are important participants in these rituals. There are also many ceremonial societies and ritual initiation. Navajo and Apache religions are concerned with elaborate and extended healing ceremonies involving ritual specialists and extended family participation (Schaafsma, 2000; Parsons, 1996; Aberle and Moore, 1982; Reichard, 1983; Bunzel, 1992; Cushing, 1966).

The Great Basin has very few communal rituals apart from some associated with communal hunting. The Sun Dance spread to parts of this area from the Plains. A generalized respect is accorded to animals, and a developed mythology features a creator and a trickster figure. Dreams are considered important and are a source of spiritual power for individuals. There are male and female shamans who cure by sucking out foreign matter from the patient's body and who can also summon game through songs to ensure the success of the hunt. Witches and sorcerers are also found in this area. These groups also engage in round and bear dances that hold some religious significance (Jorgensen, 1972; Kelly, 1939; Steward, 1936; Stewart, 1948).

The California culture area contains highly diverse linguistic and cultural groups. In different cultural subregions, one finds practices such as world renewal ceremonies, first fruits ceremonies, and shamanism. Some groups have initiation rituals consisting of the drinking of jimsonweed infusions and the use of dry paintings. Female menarche initiation rituals and female shamanism are prominent in some regions. Other religious features of this area include bear doctors, elaborate death rituals, spirit impersonation rituals, curing rituals, and elaborate sacred creation stories (Buckley, 2002; Kroeber and Gifford, 1949; Kroeber, 1907; Meighan and Riddell, 1972).

As can be seen from the survey above, there are consistent themes to be found across culture areas. Anthropologists try to balance the particularity of practice in any one group with an appreciation for the shared – and, perhaps, universal – character of specific religious manifestations. All native groups have, for example, distinct religious *practitioners* whose particularities vary on the basis of gender, roles, and procedures, depending on the specific tribe. Almost all the tribes in North America engage in some form of ritual sweating in enclosed structures for purification and spiritual supplication, but there are distinct variations on the practice from group to group. There is no single Indian Religion, just as it is difficult to substantiate a single Indian Culture. And yet, there are strong commonalities throughout North America.

There are also larger world-wide themes that anthropologists study. Cosmology refers to the beliefs of a people about their physical and spiritual universe, and is an essential study for anthropologists. Religion explains the cosmos through story and ritual, and encourages individuals to comply with requirements for living well in the universe, often stipulating consequences for wrong behavior (see chapter 8). Anthropologists who study Native American religions focus on such universal topics as ritual and spiritual leadership, ritual practices, ideas about spiritual beings, beliefs about life after death and contact with the spiritual realm, healing practices, myth, taboos, prophecy, divination, and spiritual power. Religion makes sense of the universe, and each religion proposes its own nuance on the logic of existence. Thus anthropologists look at both the general role of religion in culture and the specific practices in the culture under study.

THE STUDY OF POST-CONTACT NATIVE AMERICAN RELIGIONS

Native religions were transforming themselves well before European contact. Europeans did not happen upon static religious systems, but the European incursion posed particularly difficult obstacles to the survival of native religious traditions, while at the same time opening new avenues for religious elaboration and transformation. While government officials were more interested in cultural transformation (or “civilization” [see chapter 6]) of native peoples, Christian missionaries sought the spiritual conversion of native peoples to a generally European set of Christian beliefs. Religious resistance, revival, and accommodation all became important in the continuance of native identity and survival (Kan, 1999; Treat, 1996, 2003; Kidwell, Noley, and Tinker, 2001; Vecsey, 1996, 1997, 1999; Neylan, 2003).

As native people struggled, and continue to struggle, against the the colonial invasion, religious innovation and deliberate returns to aspects of former religious practices helped to maintain distinct native identities and cultures. Prophets such as Handsome Lake (Seneca), Neolin (Deleware), Tenkwatawa (Shawnee), Wabokieshiek (Winnebago), Kenekuk (Kickapoo), Wodziwob and Wovoka (Paiute), John Slocum (Salish), Smohalla (Sahaptin), and Abishabis (Cree), have had profound effects not only on religious identity but also on the social and political continuity of native groups. Anthony Wallace and Ralph Linton have both contributed to an anthropological understanding of religious movements led by these prophets (Linton, 1943; Wallace, 1970). Religious revitalization remains an important impetus in the endurance and adaptation of Native American religious systems. Many peoples

continued to practice their spiritual traditions underground during the era of deliberate religious suppression on reservations. Today more and more native people are consciously returning to native spiritual practices. Among these people are those who grew up off the reservations, those whose native identity was kept secret, those who were discouraged from engaging in traditional belief by Christian or familial pressures, and those who were separated from family through boarding schools or adoption outside of their cultural group. Native scholarship in religion is flourishing, and it is not uncommon for individuals seeking to reconnect with native religion to consult both scholarly sources and traditional elders who are willing to teach and provide opportunities for ritual experience. In some instances, religious practices are diffused from one native cultural area to others, a phenomenon that occurred in the past also, and which does not invalidate religious performance. For example, the Lakota form of sweating is now used in many parts of North America by different cultural groups.

Contemporary anthropologists focus on a number of key questions regarding native religion. One important question – brought about by the infusion of gender perspectives in the discipline since the 1970s – concerns the role of women. Of particular interest is the careful re-examination of the role of native women in cultural conservation and transformation. Christian missionaries have altered the position of women in social and religious roles, and European cultural biases have affected how women's religious roles have been understood and documented. Anthropologists also investigate the role of native women, past and present, in conserving and innovating religious expression and practice, as well as in resisting, negotiating, and adapting to mission proselytizing.

Conversion is one of the more thorny issues in the anthropological study of religion in general and specifically among native peoples. Unlike theology, which studies a body of beliefs from the experiences and perspective of one who believes, anthropology does not make judgments on the authenticity of religious belief. Nevertheless, the question among native peoples themselves as well as for anthropologists is why religious conversions take place. Anthropologists often look to the economic, political, and structural advantages and opportunities offered to groups adapting to new religious structures such as Christianity. Native peoples are more likely to venture into the metaphysics of this issue, along with questions of unequal power, coercion, and force.

Anthropologists seek to understand native Christianity, regardless of sect, as authentically *native*, that is, not a “loss” of native identity or traditions, but an adaptation and incorporation in uniquely native terms. Many Indian people also see their practice of Christianity *as Indian*, not as “assimilation” or “acculturation.” But not all Indian people see things this way. Because religion remains in the minds of many natives an essential part of their identity, Christian belief is frequently questioned and, in many instances, consciously rejected in favor of forms of consciously traditional practice. On the other hand, some native individuals and groups combine Christianity and traditional belief structures. For example, the Native American Church incorporates the use of peyote as its central form of worship and, in some branches, uses the Bible as well as frequent references to Christ in its services. Native Christianity is itself a unique religious phenomenon, and many native groups have used Christianity to maintain their identity, develop positions of leadership, and incorporate its spiritual

potency and ritual practices into their own – native – religious systems. This has been done through various means: by dual participation, compartmentalizing native and Christian practices and participating in both at different times and for different specific purposes; by joining mainline churches and avoiding native ritual practices but generally incorporating their traditional religious outlook into the new system of beliefs and practices; or by incorporating Christian beliefs and ritual elements into traditional or newly formed religious practices.

When considering transformations in religious practices, it is important to look at the change in the stances of Christian churches as well as in the legal system affecting the practice of native religions. Some churches have recently engaged in interreligious dialogue with native peoples as equal partners, a definite shift in stance from the past. Legislation such as the American Indian Religious Freedom Act (1978, 1994) is now aimed at protecting rather than decimating native religious practice and sacred places (American Indian Religious Freedom Act, 92 Stat. 469 [1978]; 108 Stat. 3125 [1994]). Native church leadership is also outspoken on the issue of past injustices on the part of many denominations, and a number have become conciliatory and apologetic in light of their past activities. As mentioned above, the human relationship to animals hunted, as well as the rest of nature, was an important theme in native religions; it remains so in the present. While the image of native peoples as the original ecologists has been debated among anthropologists and historians (see chapter 1), it is undeniable that contemporary native spiritualities are intimately linked to the natural world. Sam Gill's work *Mother Earth: An American Story* (1987), which suggested that the concept of the Earth as Mother is a post-contact concept, brought a hail of criticism from both the native community and other scholars. Other works such as Shepard Krech III's *The Ecological Indian: Myth and History* examine the historical record and the concepts of ecology and conservation themselves in reference to tribal peoples and their available technologies.

Another area of anthropological interest is the production of sacred space. Native religions sanctify geographical places such as burial sites, sites of sacred encounters, locations of origin, mountains, forests, and sites of historic triumph and tragedy. A presidential executive order in 1996 attempts to give legal protection to these sacred places, but has met with mixed results (Executive Order 13007, 1996).

Native American religions are deeply engaged in the world around them and are not a retreat to the past. Anthropologists have noted the use of healing practices to confront contemporary social as well as physical ills. Urban Indians, who now make up more than half of the native population, return to reservations or invite spiritual practitioners from the reservations to engage in prayers and various ceremonies to cure such contemporary ills as drug addiction, depression, and alcoholism, in addition to physical illness. Native religious practices are now more prevalent in some prisons, where a disproportionate number of inmates are native. Religious practices are used to confront and heal many of the social ills created by the reservation system, geographical displacement, and the historical assault on Indian peoples and their cultures.

With the growth of what is often characterized as the New Age movement, there is increasing interest by non-Indians not only in learning about native ceremonies but also in participating in ceremonies or recreating ceremonies on their own. This is part of a broader historical tendency for Europeans and non-Indian Americans to “play

Indian” and to appropriate native identity and cultural knowledge for their own use, to the detriment of the native groups. Native voices, joined by some anthropologists, have spoken out strongly on the ethical and moral depredations of these movements that caricature and commercialize native religions.

Protests against abuse of native religions do not necessarily seek to prohibit all non-natives from either observing or in some instances taking part in native ritual practice. Like anthropologists whose participation and study have been welcomed by specific groups, non-natives may be welcomed to observe and participate in specific religious events. Some natives argue for the universality of native religions, holding them to be for the benefit of all peoples. The issue here is not simply inclusion or exclusion, but the respectfulness of the participants and their willingness to honor boundaries set by native peoples. Among some groups and in some instances, exclusion is the norm, and this must be honored. It is essential to be invited rather than to impose oneself. As native people continue to reassert religious practices, these boundaries between insider and outsider, among natives and anthropologists and native anthropologists, continue to be negotiated.

HISTORY OF THE STUDY OF NATIVE AMERICAN RELIGIONS

Just as anthropology is not the only discipline to seek to understand and interpret native religions, anthropologists were neither the only nor the first to undertake first-hand observations and written description of the religious lives of native peoples. Anthropologists commonly consult the journals, letters, and reports written by missionaries, traders, and travelers, but they must always bear in mind the inherent biases in these materials. None of these individuals had been trained in the formal techniques of ethnographic observation and recording. Not surprisingly, the accuracy of these data is debated in the native as well as the academic community, but the texts remain significant because they are often the only written documentation available. Anthropologists compare these accounts against later accounts as well as against the oral testimony of their native teachers.

Nineteenth- and early twentieth-century approaches to religion

The earliest considerations of Native Americans and their religious behavior were part of a larger attempt to classify cultures according to the paradigm of cultural evolutionism. Scholars such as Herbert Spencer, Sir James Frazer, Wilhelm Schmidt, Emile Durkheim, Lewis Henry Morgan, and E. B. Tylor arranged cultures along a continuum from “savage” to “barbarian” to “civilized.” These rankings were based mainly on technological traits, but some of these early evolutionists were interested in the origin and evolutionary development of religion. Parallel to the scheme of cultural evolutionism, religious evolutionism posited a development from animism (later refined to preanimism and then animism), through polytheism, to monotheism. Unfortunately, under this system Native American religions were generally relegated, like native culture itself, to the “primitive” and treated as a type of religious behavior characteristic of an early state of evolutionary progress. It was also assumed

that all native religions were similar because they were produced by people at the same “evolutionary stage.” Anthropologists with specific religious interests, such as the Catholic missionary priest Fr. Wilhelm Schmidt, suggested that the first religions were monotheistic and set about proposing and trying to demonstrate a devolutionary paradigm which begins with monotheism and then “degrades” historically into polytheism and animism prior to modern civilization. In both the general-evolutionary and religious-evolutionary versions, native religions were not worthy of study in their own right, but merely provided “grist for the mill” in the search for evidence of the supposed progress of human mental and material cultural development.

Few of these researchers, popularly known today as armchair anthropologists, actually went to the field to observe native culture or religious practices. They relied on reports from missionaries and explorers, or sent out questionnaires, and rarely checked on the accuracy of the data when they used the material to substantiate the conclusions they had already reached. Despite their biases and negative judgments, however, they did see native religions as worthy of scholarly attention.

Missionaries and others assumed that native belief would merely be transitional on the road to the true belief of their own Christian faiths. Other 19th-century thinkers saw religion as part of a mental evolution beginning with magic, and moving through religion, which would finally be replaced by science. Since all religions were destined to disappear in the face of science, the impulse to collect and document was powerful in the 19th and early 20th centuries, when it was expected that native religion would either evolve into a “higher form” (or, in the devolutionist paradigm, return to its true form) or simply disappear along with every other mode of religious belief. Ironically, many New Age religionists see native religions as “primal” very much in the mode of 19th-century evolutionism, except that the value scale is reversed, and the primitive is now the highest form of worship, not degraded by the intrusion of monotheistic religion. Some native people have also adopted the concept of “primal” – in its non-judgmental sense of *first* or *prior to* the European invasion, and as a mark of originality and authenticity.

During the late 19th and early 20th centuries, Americans and Europeans were convinced that both the culture and the population of American Indians were rapidly disappearing. Consequently there was a drive to collect and preserve as much as possible concerning native peoples. Museum anthropologists sought to archive not only the physical manifestations of native religions such as medicine bundles, katsinas, masks, entire sacred shrines, and shamanic instruments, but also the “mental culture” of these peoples as manifested in descriptions of ceremonies, sacred stories, cosmologies, and ceremonial societies. The Bureau of American Ethnology (BAE) produced a large serial corpus of works on Native Americans. Many of the texts sought to give an integrated picture of specific cultural groups and contain sections on religion, but some focused specifically on religion. The BAE produced a variety of reports from its inception in March of 1879, provided for through an act of Congress as urged by its founder, Major John Wesley Powell. The BAE was established as a scientific venture to study the cultures of Native Americans in order to assist the United States Government in dealing with these peoples and, subsequently, as a means to archive “disappearing” native culture. Though they were not specifically trained in anthro-

pology, the BAE employed a variety of scientifically minded people, as well as some missionary personnel who had field experience. These authors worked within the paradigm of evolutionism. They rarely questioned their own civilizing and Christianizing agendas. Though curious about native ritual and belief, they were part of the very cultural and governmental force that was bent on eradicating native cultures. Some of the studies did look at social processes and contemporary phenomena, and sometimes offered a critique of official government policy, as in the case of James Mooney's study of the Ghost Dance (Mooney, 1991).

The Boasian school

Besides the BAE, which was made up primarily of second-career anthropologists who generally did not have formal training in the discipline, the study of Native American religions was also undertaken by academic anthropologists. The most important group of these individuals was headed by Franz Boas, who himself studied peoples of Alaska and the Northwest Coast and who trained and encouraged a significant number of non-native and also native anthropologists to work in the field of native North America. Their studies follow Boas's basic approach to the discipline, focusing on specific groups and their particular cultures. Beyond descriptions of native religious beliefs and practices made by his students and himself, Boas was also interested in diffusion, how particular cultural traits spread across geographical areas. Religious rituals and beliefs were among these traits, and his students and others produced studies on such topics as the spread of the vision quest, guardian spirits, fasting, sweatlodge, and the Sun Dance – across cultures.

Boas insisted on careful fieldwork and collaboration with native experts, some of whom themselves became fieldworkers. He broke with the quest for origins and study of the evolution of culture, as well as with the inherent moral judgment of the evolutionist school. Boas also stressed the importance of learning native languages and collecting native texts, such as songs, narratives, prayers, and ritual procedures. Like the evolutionists before him, Boas also worked under the premise that native religions and cultures would soon disappear and must be preserved as quickly as possible. Preservation here, as with the evolutionists, meant in archives and books and museum displays, institutions which are often read as inherently alienating by natives, whose concept of preservation focuses on perpetuation through continued knowledge and practice within native communities themselves.

If we thus survey the contributions of the early phase of anthropological study of Native American religions, we recognize that the vast amounts of data collected and stored represent an important source of information about native religions for the present – for both scholars and Indian communities. The question of the accuracy of those data, the manner in which they were collected, and their relationship to contemporary native peoples remained largely unexamined until the contemporary era. Though imperfect, these archives, artifacts, sound recordings, and cosmological or prayer texts are being re-evaluated by and, in some cases, reintegrated into native communities.

Mid-twentieth-century anthropology

As the discipline of anthropology matured in the United States, diversifying and growing exponentially after World War II, there was no longer a single dominant school of thought, and anthropology took up residence in a variety of museums and academic institutions. Boas's ideas diffused, carrying important elements of his methodology and insights, but also underwent transformation as they were integrated into other emerging paradigms. At this same time, the interest of American anthropology shifted away from the study of American Indians into areas overseas. Those who remained in Native American studies continued to work in memory ethnography and moved on to acculturation and assimilation studies, trying to gauge how far Indians had transformed (or been transformed) from an assumed aboriginal baseline by contact with European Americans. There was some ambivalence here on the part of anthropologists, for it seemed that acculturated groups moved out of the realm of anthropological study – out of the realm of “the primitive” – and into the purview of sociology. Nevertheless, anthropology did engage in acculturation studies among native communities. Their studies tended to be holistic, examining change and continuity in a range of interconnected elements in the native group under study. With regard to religion, the studies focused on the pre-contact pattern of ritual and belief, and the transformations of native practice toward what seemed to be an inevitable endpoint: religious beliefs and practices imported by the Europeans. These studies were also interested in the reactions of natives to the stresses of acculturation and assimilation, reactions that often involved the purposeful and conscious retention of native practices. At the same time, these studies examined the adaptation of religious practice acquired by native groups from other native groups, as in the acculturation of Navajo to Pueblo religious features and the spread of the Native American Church (peyotism) and other religious beliefs.

Contemporary anthropology

Ironically, the BAE and Boasian salvage anthropologists rarely asked their native colleagues about then-contemporary religious practices, preferring to reconstruct pre-contact features of religion. Anthropologists today focus on contemporary religious phenomena, as well as re-examining aspects of past religious practice using primary source materials (documents written or narrated by native colleagues) along with contemporary sources. Rather than seeking to archive what was once believed to be rapidly disappearing phenomena among rapidly disappearing peoples, today anthropologists document the persistence, fluorescence, adaptation, diffusion, and, in some cases, revival of native religious practices.

Anthropologists have also become more sensitive to multivocality, stressing the importance of encouraging native peoples to take up the discipline, and allowing a stronger voice for natives to speak through ethnographic writings. Anthropology has become more interdisciplinary, listening to voices of scholars from other fields, and

more equally collaborative, learning from native groups and inviting natives to become expert in this discipline, while listening carefully to the needs and interests of native communities. Repatriating religious objects currently held in museums remains an important task (see chapters 20, 27), as is making available to native communities written documents in archives, museums, and obscure publications.

Contemporary anthropologists, represented by scholars like Clifford Geertz, generally use a symbolic or interpretive approach to religion. Anthropologists portray native religious practices as fully as possible through native testimony as well as archival research and, in some cases, even through archaeological reconstruction. Oral presentation is key in interpreting the symbolic meaning of rituals and objects in any sacred event. As they have become more self-conscious, anthropologists strive to be aware of their own inevitable biases, agendas, and standpoints, both individual and collective or institutional.

Contemporary anthropologists also focus on the heterogeneity of religious phenomena, showing that different people in a community may have very different interpretations of the same ritual or symbol. Rituals hold groups together through common ritual practices, even when underlying interpretations may differ. Earlier ethnographies attempted to present a consensus on ritual and belief among groups of religious experts, thus making the ethnographies themselves a source of validation. This forsakes the dynamics of religious practice in favor of the rigidity of an ideal paradigm.

Ethnohistory has also become an important research tool in learning about native religions. Ethnohistory employs the critical examination of historical documents by understanding the biases of their authors to filter out, as far as possible, distortions in the documentation. This process is combined with ethnographic research to create a more balanced and accurate representation of native religions.

Most importantly, native people more and more represent themselves to the larger world through their writings, in anthropology and other academic disciplines, and through art and literature. This has both changed and become increasingly welcomed by contemporary anthropologists.

CONCLUSION

Anthropologists must live with their own disciplinary past and must also live with what others make of that past. The discipline is judged harshly by some natives and non-natives, while others see it as an important source of information and methodology. The study of native religions by anthropology is not a question of “yes” or “no,” but of *how*. Anthropologists are working to incorporate more native peoples into the discipline, or at minimum, dialogue with the discipline, and to give native people access to its resources if they so wish. As my own native teachers often remind me, study of religion should be conducted “respectfully” and “in a good way.” It is essential that when invited and permitted to collaborate, anthropologist and natives work together in a good way to develop mutual respect.

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CHAPTER 10 Music

Luke Eric Lassiter

“We have a variety of music [that] we still currently use . . . in our daily tribal life,” says Maynard Hinman, who is Ponca; “songs for funerals, songs [for] when we’re sad . . . , songs about the spiritual world, songs about children . . . , songs for whatever we need to express in our lives.” (Lee, 1995: 69)

Hinman’s sentiments apply to many American Indian communities in North America. Indeed, from the southwestern to the northeastern United States, from central Mexico to northern Canada, Native American music is as vast and as diverse as American Indian people themselves. And along with this incredible diversity also comes an incredible heterogeneity of musical practices – musical practices that are continually shaping and reshaping a variety of North American native cultures. And even within many of these communities, as in Hinman’s, richly diverse musical practices can, and often do, permeate almost every aspect of native life.

The wide variability of music between and within native communities makes “American Indian music” difficult to generalize about – as difficult as in any other broadly defined category of music (such as “European” or “American” music). Even so, however, common patterns are indeed apparent. Like most of the world’s people, Native American people generally distinguish this phenomenon we call in English “music” from everyday speech; like people everywhere, American Indians use music to make statements about experience that spoken language cannot; and like music the world over, native musical practices can be categorized into several different and distinct genres – genres that begin to point us to the unique character of Native American music. Hence American Indian music ranges from lullabies to love songs; from hand game songs to powwow songs; from Protestant church hymns to peyote songs. The vast majority of these native musical genres are song traditions (a notable exception is flute music), however, and may be accompanied by drums (ranging in size from the Native American Church water drum to the much larger powwow drum), rattles (used in various religious contexts, for example), or turtle shackles (such as those worn at Stomp Dances).

Music is an adaptative system, and American Indian music is no exception. Native American communities have continually modified their older musical genres to reflect changing needs and tastes. Good examples of this include the powwow genre known as “49” songs in which English lyrics are prominently featured; the use of Indian themes in Rap, Reggae, Folk, or Rock and Roll such as the work of Robby Bee, a native hip-hop artist; and even all-Indian fiddle contests such as that featured each year at the Cherokee National Holiday in Tahlequah, Oklahoma.

With these newer native sounds in mind, many individual American Indian communities may distinguish “traditional music” from other types of “newer” musical practices – albeit what is regarded as “traditional” can be highly variable (e.g., while many Lumbees consider gospel “traditional,” others disagree). Nevertheless, whether old or new, “traditional” or not, many native people look to their various musical genres to articulate their unique cultures to one another and to others. In this regard, American Indian music – like all music – does not just constitute musical sound; it is a powerful way to engage and re-engage tribal heritage and memory. For many native singers and musicians, this is a critical point. “Songs carry our history, help us celebrate, [and] help us pray . . .,” says Mary Cecile Carter, who is Caddo. “By having this music still with them, Caddo people have found strength in their identity as Caddo people – they have a framework for remembering historical events that made them the proud people that they were and are” (Lee, 1995: 69).

ON THE ANTHROPOLOGY OF AMERICAN INDIAN MUSIC

Anthropologists have long been interested in Native American music. As American anthropology, especially, developed around the study of Native North American cultures, the collection of song styles and song texts often found its way into a number of early anthropological descriptions of American Indian cultures (see, e.g., Boas, 1884–85). Theodore Baker’s *On the Music of the North American Indians* (1976 [1882]) was the first serious study of American Indian music (Densmore, 1926: 115–123); other studies followed (see, e.g., Stumpf, 1886), but the establishment of the Bureau of American Ethnology (BAE) in 1879 was pivotal in the overall effort to systematically document the wide cross-cultural diversity of American Indian music.

Because early BAE ethnologists often sought to document entire native cultures, they often included music in their BAE reports. Hence ethnologists such as James Mooney, Paul Radin, Alice Fletcher and Francis LaFlesche documented the music of several American Indian peoples under the auspices of the BAE (see, e.g., Fletcher and LaFlesche, 1911; Mooney, 1896; Radin, 1923). More than anyone else, however, Frances Densmore is remembered for her singular and unwavering focus on native music: she wrote numerous and eclectic descriptions of American Indian music that far exceeded those of any other ethnologist before or since. In a career that spanned six decades until her death at age 90 in 1957, Densmore wrote dozens of BAE reports, papers, and essays, which included descriptions of musical cultures as far-ranging as the Ute, Papago, Yuman, Seminole, and Hidatsa (see, e.g., Densmore, 1922, 1923, 1929, 1932, 1956; and Hofmann, 1968 for a fuller description of Densmore’s writings).

BAE ethnographies constitute the largest and most extensive textual collection of Native American musical cultures ever compiled (with Densmore's writings making up the bulk of this material). But because many (although certainly not all) BAE ethnologists approached the documentation of native cultures through the framework of "salvage ethnography" (see chapter 23) – the reconstruction and description of past cultures – many BAE texts focused most heavily on the collection of song styles and song texts, rather than on their theoretical interpretation (although ethnologists like Fletcher and Densmore wrote numerous works that sought to explain the significance of Indian music to specialists and lay alike; see, e.g., Densmore, 1926; Fletcher, 1893, 1900). At the time when the BAE came into existence in the late 19th century, American Indians were experiencing enormous changes. The driving assumption behind the BAE at the time was that native cultures would at some point cease to exist; and with them, their musical cultures would also disappear. Yet while entire native societies and/or cultures did indeed disintegrate, many more American Indians and their cultures did not – and neither did their musical practices (e.g., in the wake of the "Indian New Deal" [see chapter 12] and the world wars, many Indian people revived older song traditions). Given this, however, many Native American peoples and scholars alike today deeply appreciate the value and significance of BAE collections; many contemporary native musicians, for example, draw from BAE reports to revive old songs or create new compositions.

Importantly, early BAE ethnographies provided the backdrop for increased scholarly interest in American Indian music. In the United States, especially, the BAE played an important role in the development of the "anthropology of music," which is today more often called ethnomusicology. While the BAE's "culture of collection" had dominated the documentation of American Indian music in the late 19th century, by the end of the first half of the 20th century, a number of scholars (among them BAE ethnologists) – such as George Herzog, Gertrude Kurath, Helen Roberts, and David McAllester – began to apply American anthropology's growing understanding of culture, context, and change to American Indians and their music (see, e.g., Herzog, 1935; Kurath, 1964; Roberts, 1936; McAllester, 1949). And in the process, they had an important role in advancing culture-based theories of ethnomusicology (see Nettl, 1983 for a much more extensive and nuanced discussion of the development of ethnomusicology and its driving issues and concepts).

Among the quintessential works marking the epistemological shift from a "culture of collection" to a theory of ethnomusicology was Alan P. Merriam's *The Anthropology of Music* (1964). Many contemporary anthropologists, folklorists, and ethnomusicologists (although certainly not all) would agree with ethnomusicologist Bruno Nettl, who writes that the overall change in focus that culminated in Merriam's *Anthropology of Music* "represent[ed] a major shift resulting from dissatisfaction with the emphasis on comparatively oriented descriptions of style" (Nettl, 1983: 357). Merriam developed an ethnographically based theoretical model of ethnomusicology – much of it founded on American Indian music studies – that continues to enjoy centrality in the cross-cultural study of music today (but see, e.g., Rice, 1987).

Merriam essentially argued that a culturally specific understanding of music – whether American Indian, African, or European – must be based on the interrelationships of three analytical components: concept, behavior, and sound. Merriam defined

the workings of these components broadly. The “concept” of music includes how people think about music as a cultural system (as separate from speech, for example), how they distinguish musical talent, or define the uses or functions of music. Musical concept gives rise to the “behavior” of music, which includes the actual physical behavior of musical practice, the verbal behavior of music (uttered as speech, for example), or the social behavior that emerges around musical activity. Musical concept and behavior in turn give rise to the actual artifact of musical concept and behavior – that is, the “sound” of music itself.

Merriam insisted that the relationships between concept, behavior, and sound in actual musical practice were not this simple, however; these analytic components were neither mutually exclusive nor linear in their structure (i.e., proceeding from concept to behavior to sound). “[M]usic sound is the result of human behavioral processes that are shaped by the values, attitudes, and beliefs of the people who comprise a particular culture,” wrote Merriam (1964: 6). “Music sound cannot be produced except by people for other people, and although we can separate the two aspects conceptually, one is not really complete without the other. Human behavior produces music, but the process is one of continuity; the behavior itself is shaped to produce music sound, and thus the study of one flows into the other.”

What Merriam defined as “the study of music in culture” could only be fully realized through rigorous ethnographic study (Merriam, 1964: 37ff.). Only through understanding how music emerges in its cultural context, he argued, could anthropologists and ethnomusicologists ever begin to fully understand how music is founded on the interrelationships between concept, behavior, and sound. Merriam’s *Ethnomusicology of the Flathead Indians* (1967) – in which he powerfully linked Flathead concepts of music and behavior with musical sound – further distinguished Merriam’s tripartite model and placed it firmly within an ethnographically based, culture-specific framework.

Since Merriam’s seminal works, many anthropologists, folklorists, and ethnomusicologists have studied American Indian music, either explicitly or implicitly, through the lens of Merriam’s model of ethnomusicology, although some scholars emphasize parts of the model over others (see, e.g., Nettl, 1989). Given this, however, ethnographies of American Indian music have become increasingly diverse in their subject matter, approaches, emphases, and textual styles. They range from the traditional ethnological approach – which attempts to explore entire native musical cultures in one text (see, e.g., Enrico and Stuart, 1996) – to the singular focus on genres of music within a single native culture (see, e.g., Powers, 1990); from the description of men’s musical performance (Lassiter, 1998: 146–152) to that of women’s (see, e.g., Giglio, 1994; Vander, 1988); from the investigation of the dialectic between outsider and insider interpretations of native music (see, e.g., Keeling, 1992) to the exploration of experiential, practice-oriented interpretations (see, e.g., McNally, 2000).

One thing remains constant in the anthropological study of American Indian music, however. Ultimately, while American Indian music may have common elements (vocal song traditions, for example), understanding the musical diversity of Native America rests with appreciating the ethnographic (read “community-based”) *meanings* of music, that, in the end, make American Indian musical genres and practices vastly different from one another. And because the diversity of musical sound heard in Native North American communities is tied to the diverse concepts

and behavior behind music, it follows that individual Native American musical traditions are often particularly unique because of the specific meanings that music engenders for particular groups of American Indians. To know just what particular song genres or even individual songs mean, then, an ethnomusicology of American Indian music pushes us to move beyond the structure, style, or content of sound (which, even today, is often a typical response of the untrained listener) and to situate scholarly interpretation in the creative cultures and societies of the people who practice them.

KIOWA: AN ETHNOGRAPHIC EXAMPLE

To illustrate this point, I would like to draw from my previous ethnographic work on the music of the Kiowa Tribe of Oklahoma, a southern Plains people who today largely (although not exclusively) reside in southwestern Oklahoma (see especially Lassiter, 1998; Lassiter et al., 2002).

Kiowa musical practice

Kiowa people engage (i.e., listen to, participate in, and enjoy as an aesthetic) a number of different musical genres, including those distinctly Kiowa, those more generally “Indian,” and those even more generally “American” – such as Rock and Roll, gospel song, or the Blues. When talking about Kiowa or Indian music, in particular, many Kiowa people identify a vast diversity of “our traditional songs,” which range from “our powwow songs” to “our hand game songs,” from “our peyote songs” to “our Indian hymns.” Within each of these musical genres, however, Kiowa people identify further layers of distinction. Indeed, categories like “powwow songs” are themselves extremely broad and may include not just Kiowa songs, but songs from other American Indian peoples as well. At any given powwow, for example, Kiowa singers may sing Ponca, Pawnee, or Osage songs; War Dance, Round Dance, or Fancy Dance songs; War Mothers, Scalp Dance, or Victory Dance songs; northern or southern Plains intertribal songs; individual, organizational, or family songs; War Expedition, memorial, or veteran songs; and so on (see Lassiter, 1998: 139–152 for a fuller discussion).

The kinds of songs and their numbers are thus truly endless. As Kiowa singer Billy Evans Horse puts it, “there is no *end* to songs” (Lassiter, 1998: 145). Many individuals spend their entire lives focusing on one or two different song genres, learning old and new songs alike. The Kiowa community entrusts such individuals – called, simply, “singers” – to remember and give life to this diversity of songs for almost every major Kiowa event. “We often hear it said that without the singers . . .,” says Florene Whitehorse, “an activity would not happen” (Lassiter, 1998: 147).

Singers must first learn how to distinguish one song from another, which rests on understanding both a song’s sound and the knowledge that surrounds it. First and foremost, each song follows a particular sound structure that places it within a particular song type. For example, peyote songs have a unique sound that is distinctly different from powwow or hand game songs. Within this general structure, each

song, of course, has a distinct sound that differentiates it from other songs within the same genre. Simple enough.

Sound, however, is only the beginning. Most importantly, singers must also learn the purpose and meaning of each song. On a rudimentary level, singers learn that within any given song repertoire, particular songs have particular uses for particular occasions: funeral hymns are never sung at birthday services, which have their own songs; memorial songs should not be sung as social dance songs; mothers of war veterans have their own songs, and these should be sung to honor these War Mothers or their veteran sons or daughters; many family songs should only be sung when families request them; morning songs should be sung at peyote meetings in the morning, not during the night; and so on. Again, simple enough. But outside this knowledge of use, knowledge can (and often does) extend to other more complex areas such as a song's affiliation with a particular individual, family, tribe, or organization; the meaning of the lyrics in a particular song; or the stories that surround a song's origin and current practice. "It really helps to know what some of those words *mean*," says Theresa Carter about the words in Kiowa Indian hymns. "Otherwise it's just a bunch of sounds" (Lassiter, 1998: 140).

With Theresa Carter's comment in mind, I would like to take an extended look at "our Indian hymns," a Protestant song tradition that emerged in the encounter between missionaries and Kiowas over a century ago, but that Kiowa people today firmly situate in "our traditional songs." Indeed, one may get a better feel for the vastness and complexity of the world of Kiowa song practice by a more in-depth discussion of this specific Kiowa song genre.

Kiowa Indian hymns

In the late 19th century, missionaries from a number of different Christian denominations made their way into Kiowa country as an official component of United States governmental policy. Initiated primarily by President Grant's Peace Policy, the church's role was clear: to "civilize" the Indians and eventually make way for their assimilation into the American mainstream. The Peace Policy was far from achieving its goal, however, and the missionizing of Kiowas was no exception (see Ellis, 1996). In the end, as Clyde Ellis writes, the Kiowas' adoption of Christianity (which they called the Jesus Way or Jesus Road) "is not necessarily the story of how one set of beliefs replaced another one wholesale, or the incompatibility of Kiowa practices with Christian ones. Rather, it is a more complex encounter in which both sides made concessions" (Ellis, 2002: 19).

Indian hymns are especially illustrative of this point. By the turn of the 20th century, Kiowas began to combine and synthesize Kiowa and Christian experience into song. From the Baptists and Methodists, especially, sprung the Kiowa Indian hymn practice that lasts to this day. Kiowa people tell several stories about how the first hymns emerged in their community. One story situates the earliest Kiowa hymns at the Rainy Mountain Baptist mission, which was established in the 1890s. "The missionaries Laurette E. Ballew and Henrietta Reeside encouraged Gotebo [the mission's first convert] to 'make' a song, to put Kiowa words into a hymn," says Milton Noel, who is today a member of the Rainy Mountain Kiowa Indian

Baptist Church. “But Gotebo refused at first, saying that it would be too much like the old ways. It would sound too much like the old songs. Those ladies kept on him though, and he finally came out with a song; after that, these hymns just took off” (Lassiter et al., 2002: 114). Another story situates the beginnings of several hymns with the Methodist missionary J. J. Methvin and his interpreter, Martinez, who “composed songs, at times hurriedly and out of necessity,” said Hazel Botone in an interview in 1978. “The first song they made was when they were going to a camp meeting at Mountain Scott and realized that Kiowas had no Invitation Hymn so they said, ‘Let’s stop here by this tree for lunch and pray for inspiration.’ So they stopped and prayed. They both prayed and Martinez proceeded to compose this song which had the same tune as an English hymn they always sing during an invitation – even today our children sing this hymn” (adapted from Kiowa Tribe of Oklahoma, 1983).

Whatever their exact origin, Kiowa hymns today constitute a significant part of Kiowa tradition and community life. In Protestant churches, especially, the singing of Kiowa hymns is an anticipated part of each and every service – even though congregants also sing other songs, including English hymns (sung from hymnals) and gospel song. Recalled completely from memory, most often rendered while seated, and sung in the Kiowa language, Kiowa hymns take on a number of different forms: e.g., where A, B, C, D represent different lines of a song, the forms of Kiowa hymns include (but are not limited to) AABCD, ABCD, ABCDC BCDC, AABBCD BBCD, and AABCD CD. In addition, hymns are monophonic (i.e., composed of a single melody), sung in a descending melodic contour (i.e., the melody descends in pitch from beginning to end), and performed without accompaniment (except in a few Pentecostal congregations, where congregants sometimes use hand drums). (To hear a sample of these songs, visit the website <http://www.uapress.arizona.edu/extras/kiowa/kiowasng.htm>) (See Lassiter, 2001a: 350; Lassiter et al., 2002: 71–84, 131.)

Several hymns are like that composed by J. J. Methvin and Martinez – English hymn melodies with Kiowa words, words which often express altogether different sentiments from those of the original English version. But the vast majority of hymns sung today constitute those for which Kiowas composed both the melody and the lyrics. In this way, hymns are like all other Kiowa songs: they are said to come to individuals “all at once” through inspiration. “Many times we say that a song was ‘made’ or ‘composed’ by a particular person,” says Ralph Kotay, a noted Kiowa hymn singer. “But these songs are not composed, actually. They come through the Spirit and the minds of the people who really believe. While many of our hymns are so old that we don’t know who made them anymore, every single song goes back to how a particular individual felt when the song came to them: they had a feeling that they wanted to express” (Lassiter et al., 2002: 88).

At any particular church service for which Indian hymns are requested, song leaders (who usually are male) rekindle these original feelings by choosing the appropriate song for the appropriate occasion. “[W]e have so many songs for so many purposes,” continues Kotay, “songs for all different occasions and for all the different types of services that we have. We have songs for thanksgiving, for baptism, for birthdays, for sorrow, for a loss in the family – for everything” (Lassiter et al., 2002: 96). After making a choice, the song leader begins the first line of the song. The congregation – after ascertaining the song chosen – then joins in unison. The hymn is sung through

two to six (but usually four) times, with the song leader beginning each rendition. The song leader ends the hymn by, simply, not starting the song's first line anew (see Lassiter et al., 2002: 77–79).

In many ways, Kiowa Indian hymns are not unlike other orally transmitted hymn traditions. Structurally, these hymns share attributes with several Christian song traditions sung throughout Indian country today (cf. Smyth, 1989; McElwain, 1990; McNally, 2000). Stylistically (especially in terms of their performance), they share similarities with non-Indian Christian song traditions as well, such as Primitive Baptist hymns (cf. Patterson, 1995). And, of course, Kiowa hymns generally share with other hymn traditions a common purpose, to articulate a common Christian experience. Their deeper meanings, however, make Kiowa hymns especially unique and specific for a particular community of believers. “At certain times,” says Frances Doyebi, “somebody might come in and sing a song for you when you're sick or something, and that song will hit you. And knowing God, and being a Christian, it really means something to you. It may not mean anything to anyone else. But it means something to you, as a Kiowa person” (Lassiter et al., 2002: 115).

Exploring the deeper meanings of Kiowa hymns, then, requires that we understand how the larger institution of Christianity, Kiowa tribal histories, and individual experience meet in song. This convergence is elaborated by, first, the content of the hymns themselves and, second, the talk that surrounds their performance. Take, for example, how Ralph Kotay – the aforementioned Kiowa hymn singer – explains the following hymn in *The Jesus Road: Kiowas, Christianity, and Indian Hymns* (Lassiter et al., 2002). First, he translates the song into English:

It is good that God has shown me the way. Through the Holy Spirit He has shown me
the way. It is good that He has made my heart feel good.
I didn't know.
I hesitated to go to Him. But I am glad that He has come to be with me. He has come to
be with me in Spirit.
Today, I am glad.
He has shown me the way. I always feel good now. I am always glad.

I didn't know.
I hesitated to go to Him. But I am glad that He has come to be with me. He has come to
be with me in Spirit.
Today, I am glad.
He has shown me the way. I always feel good now. I am always glad.
(excerpted from Kotay, 2002: 99)

Then he tells the story around the song:

This song applies to so many people who come to follow the Jesus Road. It was made by Percy Anquoe. . . . He had a wild life in his younger years. And all that time, his wife was going to church. One day, he said, he slowly started going. And after a while, he was saved, saved from the bad things he was doing. He said that soon after that, he was out at the wood pile, chopping wood. He said he was just sitting there thinking, and a feeling came over him. He began to pray. And pretty soon, this song came to him. As it did, he cried. (Kotay, 2002: 99)

And finally, Kotay elaborates how the song's sentiments apply to others:

The words in this song just fit my brother's life perfectly. They fit my life, too; I was a lot like him at different points in my life. I too took life for granted. I had my fun. Of course, many of us are like this. In our earlier lives, we're careless. . . . As we grow up as young men and women, we often start doing things wrong, like drinking, partying, and all that. Percy made this song with this in his mind. And that's why I really love it. It applies to so many of us . . .

I have spoken about this song many times to many people. I tell them about it because the song and its story are a testimony to how this Christian way of life is. It just seems like you want to do good when you hear these songs; it just seems like you want to pray to the Lord even more. And it makes you so glad and happy. (Kotay, 2002: 100)

This style of interpretation – moving from literal meaning to story – is common among singers in the Kiowa community. In addition to translating the Kiowa words into English and telling the story of the hymn (if it is indeed known), singers also talk about its appropriate use or overall purpose, its style or sound, and when to sing or not sing it. Yet in the context of conversation (literally, or figuratively as people listen to the story and the song itself), each song invokes multiple interpretations, narratives, and sentiments – different understandings that ultimately found the deeper meanings of Kiowa hymn practice on a dialogic and negotiated foundation. Simply put, talk about the hymn's lyrics – like its sound, structure, or style – is only the beginning (see Lassiter et al., 2002: 79–81).

When many Kiowa people talk about their hymns, their talk often turns to a larger story about the Kiowa language itself, the future use of which is threatened today. “[I]f the songs don't keep going, they'll die out and we won't have any Kiowa hymns,” says Donna Kotay (Ralph Kotay's daughter) in a conversation about hymns. “And if our Kiowa hymns go, our language will go also, because our language is intertwined with our Kiowa hymns” (Lassiter et al., 2002: 111).

Kiowa language and Indian hymns are so closely intertwined because unlike other Kiowa songs – the vast majority of which are “songs without words”, composed almost entirely of so-called vocables – each Kiowa hymn from beginning to end is composed entirely of Kiowa words. Kiowa hymns, then, represent the largest “storehouse” of the Kiowa language within the larger genre of “our traditional songs.” Understood in this light, Donna Kotay's sentiments take on a sobering dimension – especially as the numbers of fluent Kiowa speakers continue to dwindle.

As Kiowa language use has fallen, its symbolic significance to maintain a connection to the past has risen. The symbolic significance of Kiowa hymns, in turn, has also risen. But more than its symbolic significance, many Kiowa people see their language – and thus their Indian hymns – as maintaining a much more important relationship with the godly. “Father, we consider that *You* have given everything that we see, and have done everything for us that is good,” prays one individual at a powwow. “You have given us our language, dear Father, and this great gift of music” (Lassiter, 1998: 133; anonymous speaker). Many Kiowa people also see *this* relationship as threatened. Thus Kiowa Indian hymns are today at the center of an equation linking the past, memory, and the godly.

Simply put, Kiowa Indian hymns do not only reference stories about individual Kiowa people or their unique Christian experiences; they also engage a larger story

about the continuance of a specific Kiowa spirituality. Long before the arrival of missionaries, say many Kiowas, song affirmed a relationship with the godly that is today generations old. A few Kiowa singers put it this way: the older, literal meaning of song in the Kiowa language, *daw-gyah*, is “to catch power.” *Daw*, or power, say many Kiowa people, ultimately materializes through *Daw-kee* – which is often translated as “Power Man” or “God.” *Daw-kee* can also be translated, as Billy Evans Horse puts it, as “Throwing Power.” *Daw-kee*, says Horse, throws power, which is caught in *daw-gyah* through the act of singing. “It’s what thinking spiritual, gathering of *thoughts* means,” says Horse; “and when the thoughts and sounds come together, *that* makes your song” (Lassiter, 1998: 208).

Indian hymns are among the latest additions to this relationship between *daw*, *Daw-kee*, and *daw-gyah*. “Anytime we sing a song on His behalf,” says Ralph Kotay, “we mention God, Daw-kee. That’s always the way it’s been, even before the missionaries came. . . . Everything that we sing in our Kiowa hymns now, modern-day songs, it’s always mentioned about Daw-kee. When the missionaries came, that’s where we learned about Jesus, the Son of God” (Lassiter et al., 2002: 82–83). Given this later addition, however, Kiowa Indian hymns are now among the most significant components of “our traditional songs”: they give life to a unique Kiowa experience, preserve the language, and affirm an ongoing (and continually unfolding) Kiowa spirituality. Indeed, Kiowa Indian hymns are as much Kiowa (if not more) as they are Christian.

APPROACHING AMERICAN INDIAN MUSIC THROUGH THE LENS OF EXPERIENCE: SUGGESTIONS

I mention Kiowa Indian hymns because not until very recently have anthropologists, ethnomusicologists, and folklorists begun to extend their horizons outside of American Indian musical practices that *they* consider to be “more authentic” or “more Indian.” For example, in my first ethnographic work, *The Power of Kiowa Song* (1998), I originally set out to study powwow songs for just these reasons. But consultants like Ralph Kotay – who is both a powwow and a church singer – helped me to understand that Kiowa Indian hymns were as much “our traditional songs” as were powwow, peyote, or hand game songs (see Lassiter, 1998: 139–152 for a more detailed discussion).

Consider, for example, that Kiowas began singing O-ho-mah songs (i.e., powwow songs) virtually about the same time as they did Indian hymns. Kiowas adopted and learned the O-ho-mah Dance and its original songs from the Cheyennes (who had apparently received it from the Omahas) in the 1880s. Kiowa people began singing and making their own Kiowa Indian hymns shortly thereafter. The same could be said about peyote songs, which the Kiowas learned from the Comanches during this same time (see Marriott, 1945: 165ff.). Which of these song traditions is more traditional? From many scholars’ point of view, powwow and peyote songs might be considered more “traditional” because they sound “Indian” and match the expectations of the non-Indian listener. But for many Kiowas – and many other Indian people for that matter – this is a moot point when talking about “our traditional songs.”

But what about those musical traditions that many Indian people in any given community (like the Kiowas) consider outside the realm of “our traditional songs” – such as the Hopi community’s fascination with Reggae, or the Papago’s combination of European and Mexican musical themes in their so-called Chicken Scratch, or the popularity of all-Indian Rock and Roll bands in communities throughout Native America? Exploring such cultural categories as “our traditional songs” can be enormously helpful for appreciating how people organize a community-based concept of music and its relationship to broader areas of native heritage and identity – such as I have done in the context of this essay. Using these native categories can give scholars unique insight into the social practice, experience, and sound of music beyond what *they* consider “traditional” – as it did for me. But at the same time, it also has obvious limitations. To be sure, any and all music that takes on continuous life in a community of people can be said to be “traditional” in the broadest sense of the term. Hence both Kiowa hymns and the southwestern Oklahoma-based all-Indian blues band “Blues Nation” (which consists of several Kiowa musicians) are “traditional” in that they engage a process whereby Kiowa people have fashioned particular musical practices as their very own and continue to do so. The same could be said, of course, for much of American Indian music, which – with examples like Kiowa Indian hymns, O-ho-mah, and peyote songs in mind – is always changing and adapting in the process of expressing a changing and adapting Native American experience.

This is important, because when we begin to examine the actual experience of music in the larger framework of Native American experience in general, conceptual categories like “traditional” only take us so far. Indeed, categories like “American Indian music” *also* only take us so far, especially when they limit our understandings of the actual processes of “music as lived.” Do we ignore the life of complex musical practices because they may not be considered “traditional”? Do we ignore musical genres that express multiple experiences and identities, of which American Indian identity is only one of many? Do we forgo the opportunity to explore the life of music in the very process of adaptation and change?

One might consider, for example, how the recording industry and broadcast radio have affected the process of adaptation and change. In southwestern Oklahoma, for instance, every Saturday morning, the radio station KRPT hosts a show entitled “Indians for Indians,” which often features Indian music of all kinds and styles. Kiowa and other native singers often use the medium to introduce the latest singing group, share new songs, or present alternate song renditions. Similarly, many American Indian communities have their own radio stations (such as Navajo Nation Radio KTNN) where negotiations about the adaptations and changes of music (in addition to a host of other issues) are played out on a daily basis.

All told, the issue here is how music emerges in experience. To be sure, in real life music is a negotiated process: borrowing, accommodating, shaping and reshaping – as in the Kiowa examples above – are virtually always the rule and not the exception when it comes to human beings and their music the world over. Thus, exploring how people actually put negotiated musical concepts into action through negotiated behavior and sound turns the focus away from mere style or category (as Merriam originally suggested) and puts us on the path toward opening a still-present blind spot in the anthropological study of North American Indian music.

What this means, of course, is that anthropologists must not only consider song traditions such as Christian songs or Chicken Scratch or Hip-Hop in their study of American Indians (which ethnomusicologists and other scholars are already doing: see, e.g., Cain, 1998; Cunningham, 2000; Maynor, 1999; Samuels, 1999; Scales, 2000; Sakolsky, 1995); we should also continue the already time-honored work of reflecting and critiquing the assumptions that *we in academia* carry about culture, change, and identity – a process that began in ethnomusicology four decades ago with Merriam’s *Anthropology of Music* (1964). Like Merriam and a host of other ethnomusicologists since, I too firmly believe that long-term and intensive ethnography continues to be the best way to collaboratively engage the practice and meaning of American Indian musical experience (or any other human experience for that matter). I say this not from conjecture, of course, but from my own experience with the craft (see Lassiter, 1998, 1999, 2000, 2001b; Lassiter et al., 2002). Indeed, through ongoing participant-observation and dialogue, doing ethnography with my Kiowa consultants led me to approach my own assumptions more critically and to readjust my lens to understand Kiowa hymns from my consultants’ perspective, not mine – a process that continues as I write this. In the end, I was forced to reconsider how scholars (myself included) have traditionally understood American Indian music, native Christian identity, and in turn, the complexities of a larger Native American experience (see Lassiter, 2001a: 349–350). Such thinking, as Ojibwe hymn scholar Michael McNally (1997: 150) writes, “speak[s] to a web of life in which practices, hymn-singing being but one, are inextricably related in lived experience. These connections remind those of us in the business of theorizing that our inquiries place boundaries around phenomena that are otherwise seamlessly woven into all life.”

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- Canyon Records, 3131 W. Clarendon Ave., Phoenix, Arizona 85017.
<http://www.canyonrecords.com>.
- Indian House Records, P.O. Box 472, Taos, New Mexico 87571.
<http://www.indianhouse.com>.
- Indian Sounds, P.O. Box 6038, Moore, Oklahoma 73153.
<http://www.indiansounds.tripod.com>.

Omaha Indian Music, American Folklife Center, Library of Congress, Room LJ G-49, Thomas Jefferson Building, 1st St. and Independence Avenue, S.E.; Washington, DC 20540-4610.
<http://lcweb.loc.gov/folklife/afc.html>.

Smithsonian Folkways Recordings, Center for Folklife and Cultural Heritage, 750 9th Street, NW, Suite 4100, Smithsonian Institution, Washington, DC.
<http://www.folkways.si.edu/indian.htm>.

Willard Rhodes Collection: Field Recordings of North American Indian music, 1940–1952, Library of Congress, 101 Independence Avenue, S.E., Washington, DC 20540.
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Rebecca J. Dobkins

INTRODUCTION: CULTURAL PROCESSES MADE MANIFEST

The art of the world's peoples can be approached in myriad ways, but from a contemporary anthropological perspective, art is, on a fundamental level, the material manifestation of cultural processes. This perspective is deceptive in its simplicity: as visible evidence of cultural action, art is a tangible yet difficult subject for study. Objects and their makers offer extraordinary access to understanding individual and community beliefs and values, historical and political-economic processes, and intercultural critique and response. Yet, art objects are easily dislodged from their historical and social contexts, and can have meanings easily projected onto them by outsiders. Artists' intentions are easily displaced, lost, or misinterpreted. The original audience or community reception may frequently be unknown or disregarded when art "circulates." Until relatively recently in the scholarship on Native American art, the study of art products has not always been married with the study of the art makers and the social contexts of production and indigenous reception – in no small part due to the history of anthropological theorizing about and collecting of ethnographic artifacts.

Yet precisely because of these dynamics and difficulties, Native American art is a particularly rich area for study. Today, the subject crystallizes the critique in recent decades of historical anthropological thinking and the promise of its contemporary revisions. Researchers in this field must deal with many issues now central to the discipline of cultural anthropology: the politics of representation, the inclusion of native voices and interpretive frameworks, the recognition of the inadequacy of the traditional, anthropological concept of "culture," the need for understanding political economy, and the dynamics of colonial and post-colonial cultural appropriation and re-invention. Scholars of Native American art have been involved in innovative forms of collaborative fieldwork that foreground these issues and then employ creative ways to represent them through the media of exhibitions, catalogues, films, and books. Several such scholars are themselves native artists, curators, art historians,

and/or anthropologists, and many conduct their work in tribal museums and native-run institutions (most prominently, the Smithsonian's National Museum of the American Indian). These institutions, now beyond their emergent stages in the late 20th century, have established themselves as acknowledged representatives of native cultures and thus are playing a vital role in reshaping the study of native art and artists.

The study of Native American art also overlaps disciplinary and institutional boundaries. Although anthropology was the first disciplinary home for the serious study of native art, art history today brings important theorizing to native art. While art historians have only relatively recently deemed native art worthy of study – and the field at large continues to marginalize it, just as art studies are marginalized in anthropology – anthropologists have also been relatively slow to embrace aesthetic evaluations of native arts and to deal with the burgeoning field of Native American contemporary fine arts (for an exception to this latter statement, see Ryan, 1999). Scholars in the field also are located both within and beyond the confines of academic departments: many practitioners work in museums of art or anthropology, tribal museums and cultural centers, as well as in academic departments of anthropology or art history often linked with university museums.

This chapter outlines some of the pressing problems in the history and future of Native American art studies. We will first look at the historical consequences of collecting native art for both makers and collectors; then, we will look at recent transformations in the power relations between native artists, communities, and outside institutions. Following that examination, we will look more closely at some specific lessons from the study of native art, particularly as such study illuminates anthropological theory and method more broadly. In closing, we will frame issues raised by contemporary Native American art of the 20th and 21st centuries and pose a number of problems for future investigation.

COLLECTING CULTURE: HISTORICAL RELATIONS BETWEEN MAKERS AND COLLECTORS OF NATIVE AMERICAN ART

Native American art, for the purposes of this chapter, encompasses many dimensions of material culture (architecture, pottery, sculpture, textiles, painting and other two-dimensional arts) and spans pre- and post-contact time frames, to include contemporary arts in all media made by artists who consider themselves “Indian.” Yet before we turn to contemporary understandings of these arts, we begin with the question of how Native American art has come to be known and studied. This leads us first to the question of “What is Indian art?” and inevitably to the history of museums, ethnographers, and collectors.

Much has been written on the challenge of defining Indian art (e.g., Berlo and Phillips, 1998: 9, Feest, 1992: 9, Wade, 1986: 15–20). Many authors have noted that few American Indian languages have a word for art that parallels the Western notion of art as a realm distinct from the rest of life. This emphasis upon the idea that there is “no word for art” in native worldviews likely grows from the well-meaning argument that artistic production was integral to every dimension of native life. Yet, taken to an extreme, the claim implies that there is no pre-contact “art” (only functional

artifacts) and/or that native artists were, as Berlo and Phillips point out, “unreflexive about their own art-making and lacked clear criteria of value or aesthetic quality” (1998: 9), something disproved particularly by ethnoaesthetic studies that elicit native critique.

The process of defining Native American art is made even more complex by acknowledging the role that colonialism and its asymmetrical power relations have played in shaping the reception and production of such art. Initially in the early European exploration of the Americas, native arts were collected for the “cabinets of curiosity” then organized for display of the wonders of the New World. Collected right along with flora and fauna, native material culture was valued for its exotic quality and “otherness.” The rise of the natural sciences in the 18th and 19th centuries, driven in part by the “discoveries” made in the process of colonial exploration, ultimately led to the formation of anthropology, originally conceived of as the “science of man” and concerned with questions of human origins and evolutionary development. By the mid-19th century, ethnographers engaged in systematic collection of native goods, considering them specimens (not arts) of culture, much as their compatriots in the biological and geological sciences conceptualized the subjects of their studies. Following a model of cultural evolution that posited that the world’s peoples could be categorized along racial lines into a hierarchical continuum from savagery to barbarism to civilization, 19th-century anthropologists collected ethnographic specimens as a means of “proving” evolutionary principles.

The period of the late 1880s–1920s is often referred to as the “museum age” of North American anthropology. Believing that native groups were soon to be extinguished and/or forever transformed, ethnographers and other collectors associated with natural history museums fanned out across the U.S. and Canada to study the lifeways and material culture of indigenous groups, operating out of the “salvage paradigm” that attempted to reconstruct the tribal past as it theoretically existed prior to European contact. While some ethnographers (particularly those associated with the Bureau of American Ethnology and the U.S. National Museum, ultimately to become the Smithsonian) were driven by cultural evolutionary principles, Franz Boas, considered the founding father of American anthropology, explicitly embraced a different stance in his study of North American Indians. Believing that all peoples had to be understood as products of their own particular histories – rather than as products of a hierarchical universal evolutionary process – Boas and his followers sought to study native arts as part of their broader efforts to study “culture,” a concept intended to replace race as the primary shaper of human behavior (see chapter 23).

The museum age was a period in North American history full of social upheaval and transformation for native people. It coincides with the end of the treaty-making and the beginning of the reservation period as well as with the assimilationist policies of land allotment and boarding school formation. One irony of this period is that many of the objects collected during this era of enormous social change came to be considered ideal types, as J. C. King has written in a seminal analysis of the concept of tradition in native art (see Wade, 1986). As Berlo (1992: 4) points out, many have long considered such objects examples of authentic and therefore timeless Indian art, rather than the product of complex historical processes that include colonialism, trade, and related social transformations. One has only to think of Plains beadwork,

considered profoundly traditional by museum collectors, yet clearly influenced by the availability of Euro-American trade goods, to realize the futility of conceptualizing native arts as somehow outside the boundaries of history.

In part because such arts were not considered to be the product of individual artistic creativity, but of tradition, collectors in the museum age rarely documented the maker's name or exegesis of his/her artwork. Objects in a sense were seen as able to speak for themselves. And, dislodged from their original contexts, they also came to stand for other things in the hands of the new owners. This is particularly clear in the example of those private collectors who purchased enormous quantities of Native American basketry, textiles, pottery, carvings, and other arts to decorate their homes in the search for an authentically American aesthetic during the Arts and Crafts era.

As noted above, Boas and his students initially took up the study of native art as evidence of culture and as part of their historical-diffusionary approach to understanding Native American cultures. That approach resulted in studies focused upon either tracing the movement of styles and designs within and across culture areas or documenting form or media (i.e., baskets, carvings, etc.). Both approaches, which were sometimes combined, had unintended consequences. The culture area approach, involving conjecture, can obscure the complexity of intercultural influence and exchange. Studies emphasizing form and media yielded rich descriptions but remained basically ahistorical and isolationist.

But the Boasians eventually expanded the limits of these paradigms. As Aldona Jonaitis (1995) has eloquently recounted, Boas became interested in questions of individual artistic creativity as part of a broader interest in psychological anthropology. Boas was particularly interested in "the play of the imagination" as it was exercised within the confines of a stylistic tradition. Boas urged his students to identify artists and solicit their critiques of their own and others' work, the beginnings of what we now call ethnoaesthetic research. The work of these Boasian scholars in the 1910s–1930s – among them Ruth Bunzel, Herman Haeberlin, Lila O'Neale, and Gladys Reichard – anticipated contemporary theoretical concerns in the field of native art studies in several ways. Each was interested in eliciting native voices, even though the ultimate representation of those voices (usually without reflexivity on the part of the ethnographer) did not align with today's expectations. Some of the scholars, Bunzel and Reichard in particular, actually learned elements of the artistic techniques they were studying, in order to be truly participant-observers. And, each was interested in the interplay between creativity, imagination, and the restrictions of tradition.

Even though the discipline of anthropology was beginning to change its perspective to allow for individual artistry and a processual (rather than oppositional) relationship between tradition and innovation, institutional practices of collecting continued to maintain a dichotomy between art and ethnographic artifact. Native objects found their way into anthropology and natural history museums as ethnographic specimens but into art museums as primitive art, a phenomenon James Clifford refers to as the aesthetic–anthropological opposition (1988: 200). In this system, objects classified as art using Euro-American aesthetic criteria are considered timeless works of beauty, able to communicate their aesthetic value with minimal reference to their original cultural contexts, whereas objects classified as artifacts are seen as standing for the peoples who produced them and as possessing the power to explain exotic cultural practices. Thus, while Boas and his students became more

interested in native interpretations, their counterparts, art market collectors and art museum curators, were engaged in what has been called the “aestheticization” of Native American art, a process that posited this art as being worthy of aesthetic appreciation without necessarily requiring an extensive understanding of native cultural backgrounds. A turning point in this era was the 1941 “Indian Art of the United States” exhibition at the Museum of Modern Art in New York, organized by Frederic Douglas and Rene d’Harnoncourt, one of the first major exhibitions to present Native American art *as art* in the U.S. While the exhibition design emphasized the aesthetic value of the work, it also offered significant cultural contextualization, bridging the ethnographic–fine art representational divide.

The collecting of Native American goods over the last five centuries by explorers, ethnographers, private collectors, and art dealers has left a persistent legacy. The dichotomy between art and artifact, though being challenged in ways explored below, still lives on in the disciplinary boundaries that separate the institutions housing these collections. Because native art was deemed to belong to the discipline of anthropology for so long, much of the manufacture of knowledge about it continues to stem from disciplinary practices and to be shaped by those practices. For instance, the culture-area model still shapes how native art is understood. Even though regional and group-specific arts of course exist and are worthy of study, the culture-area framework implicitly erects boundaries and assumes regional types that are “appropriate” and “right.” This can hinder the understanding of art. The earlier emphasis upon description of form and technique, often to the exclusion of theory, is also still with us. The most prominent journal in the field, *American Indian Art*, often has as its lead articles detailed descriptive studies of traditional regional forms that do not foreground theoretical analysis. Even if the scholars publishing in the journal reject the notion of the primitive Indian, readers may not, judging from the advertisements that appeal to a romantic notion of native art and artists. Finally, because so much production of knowledge is museum-based (because that is where the scholars of Native American art are employed and supported in their scholarship), this knowledge is in turn shaped by the original dynamics of collecting in the museum age.

The authority of anthropology to create and control knowledge about Native Americans has been and is being profoundly challenged, as other chapters in this volume testify. In the realm of native arts, nowhere is this more tangible than in the two-pronged development of repatriation and native curation.

RECENT TRANSFORMATIONS IN THE POWER RELATIONS BETWEEN NATIVE ARTISTS, COMMUNITIES, AND COLLECTING INSTITUTIONS

Repatriation and its related discourse around the return of cultural property have fundamentally changed power relations between native communities, anthropologists, and collecting institutions (see chapters 20, 27). In the U.S., repatriation has been legally enshrined in the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, while in Canada repatriation has taken the form of negotiated agreements between tribal communities and museums rather than national

legislation (articulated in the *Task Force Report on Museums and First Peoples* issued in 1992 by the Assembly of First Nations and the Canadian Museums Association). Repatriation is fundamental to the study of native art on multiple levels: (1) it implies a critique of anthropological and archaeological fieldwork and collecting practices that all anthropologists need to be aware of; (2) it has brought native community members into museums as consultants, visitors, and staff members on an unprecedented level; (3) it has been part of a broader movement toward the establishment of tribal museums; (4) the circulation of repatriated objects has reintroduced a wealth of cultural material back into native communities, with potentially significant impact on artistic production; and (5) it has linked the collecting of native art with the arena of human rights.

The repatriation legislation and policies now in force in North America grew out of the reburial movement of the 1970s and 1980s, which ultimately has its roots in global post-colonial human rights and self-determination movements. Outraged by the desecration of graves and the use of ancestral remains as scientific specimens, native activists worked to return remains for reburial (see chapter 27). At the same time, many tribes became more vocal about their right to cultural property, particularly sacred objects. Perhaps the most well-known example of this activism was on the part of the Zuni, who won the return of their *Ahayu:da*, sacred wooden figures that had found their way, often through deception or even outright theft, into major museum collections.

One outcome of this activism was the National Museum of the American Indian Act of 1989, which, in addition to establishing the museum, required the Smithsonian Institution to repatriate human remains and sacred objects to tribes that requested them. In 1990, NAGPRA was passed, which mandated similar requirements for all federal agencies and federally funded collecting institutions. NAGPRA requires that all federally funded agencies and museums complete inventories and summaries of their pertinent collections and provide them to tribes, and then to comply in requests for repatriation of human remains and funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA specifies that collecting institutions consult with native communities, and open their records and collections to them.

While it is a mistake to think that collaboration between institutions and native communities did not exist before NAGPRA, there is no question that the legislation has encouraged cooperation in new ways. Several examples from the literature, both predating and coincident with NAGPRA, give evidence of the transformation in power relations between traditionally authoritative museums and the previously silent or silenced native communities represented in museum collections. These and other collaborative projects have certainly not answered all questions about the transfer of curatorial authority, the representation of cultures, or the expression of native voices, but offer instances of grappling with these issues (see National Museum of the American Indian, 2000 for discussion of the politics of collaboration).

One outstanding collaboration in the 1980s was between staff of the University of Washington's Burke Museum and tribal representatives in the creation of the exhibition and catalogue *A Time of Gathering: Native Heritage in Washington State* (Wright, 1991). Fairly early in the exhibition planning process, the museum invited members of tribal communities across the state to collaborate both in the process of selecting objects for exhibition and in the interpretation of those objects. The

museum drew upon its already-established Native Advisory Board, and employed a Native American co-curator for the project. Another project that brought together community representatives with museum scholars was the *Chiefly Feasts: The Enduring Kwakiutl Potlatch* exhibition and catalogue (Jonaitis, 1991). Curator Jonaitis writes eloquently (1991: 21–69) of the collaborative process that included her own visits to Kwakiutl communities, the involvement of native curator Gloria Cranmer Webster of the U'Mista Culture Centre in Alert Bay, British Columbia, in the exhibition and catalogue, and visits of community elders to the American Museum of Natural History in New York for consultations on the project. The final exhibition told the story not only of the historical potlatch, but also of white suppression of the ceremony and its contemporary renewal.

Recently, an extraordinary project involving not only collaboration but also innovative use of technology in the service of native art has been documented in the exhibition and catalogue *The Transforming Image: Painted Arts of Northwest Coast First Nations* (McLennan and Duffek, 2000). Since 1980, the University of British Columbia Museum of Anthropology has sponsored the Image Recovery Project, coordinated by anthropologist Bill McLennan. Using infrared photography to study now-faded surfaces, museum staff have revealed the complexity of compositions on the painted surfaces of boxes, house screens, masks, totem poles and more. Native artists have been hired to reproduce and extrapolate from the images, and participated in the curation of *The Transforming Image*. As McLennan and Duffek note (2000: 14), this process of recovery is also a process of regeneration. As Northwest Coast artists work with these images that expose the details of painting technique and styles, variations upon conventionalized forms as well as regional differences are illuminated. These revelations impact the work of contemporary Northwest Coast painters in ways movingly discussed by Lyle Wilson, a Haisla artist, in the catalogue. In this project, the art objects and the technology used to study them shaped the collaboration between artists and museum, and in essence, recovered images have been repatriated.

At the same time as mainstream museums have engaged in collaboration with native communities, tribal museums and cultural centers have emerged as places where Indian people have created places to tell their own stories. Indian-run museums have benefited from repatriation, which has made it more possible to tell tribal stories through tangible objects, as well as from the efforts of communities to collect their own heritage through purchase, donations, and oral histories (see National Museum of the American Indian, 2000 for a discussion of such efforts by the Warm Springs Confederated Tribes and the Mille Lacs Band of Ojibwe). The National Museum of the American Indian (NMAI), though part of the Smithsonian and thus a national, not tribal, museum, is the largest museum in North America to be led by native staff. With its mandate to represent and interpret the cultures of the indigenous Americas as represented in its collections (transferred from the Heye collection of the earlier Museum of the American Indian), the NMAI consulted with numerous tribal communities in the development of its plan for a new facility on the National Mall in Washington, DC. One of its inaugural exhibition projects, *Creation's Journey: Native American Identity and Belief*, directly addresses the limitations of the paradigms of art history and anthropology and attempts to create a “new, Native American criticism” (Hill and Hill, 1994: 15).

The processes of repatriation, collaboration, and native institutional development described above have contributed to a repositioning of native art objects from their earlier (dis-)placement in art and anthropology museums. Yet all of these processes raise new questions and problems. How does one define “native voice”? Is the inclusion of a “native voice” a real subversion of traditional curatorial authority or does it sometimes substitute one essentializing voice for another? Who in a tribal community is empowered to speak for others? How can internal difference and dissent be represented in the research and exhibition process? Who has the right to speak about religious and spiritual matters, and how are those rights demonstrated to outsiders? How do repatriation policies themselves contribute to the possible essentializing of native identity, particularly in that they require the demonstration of clear cultural affiliation? How are tribal communities altered as they reincorporate repatriated objects, images, and knowledge? All of these questions and many others offer rich arenas of inquiry for scholars interested in native arts.

INSIGHTS FROM THE STUDY OF NATIVE ART

Thus far, we have focused on the dynamics related to the definition, collection, presentation, and repatriation of native art objects. Now we turn to the question: What can be learned from the close study of native arts? I’d like to begin by talking about the persistence and reconfiguration of regional arts studies, then turn to an examination of the study of post-contact arts. Finally, we’ll look at how the production of knowledge about native arts through contemporary exhibitions and popular and scholarly publications shapes the study of native art.

The study of native art has long been embedded in an understanding of North American cultures as being divisible into cultural regions. Indeed, native art and technology was itself employed (particularly by Boasian-era anthropologists) to help define these divisions by demonstrating similarity of styles within a region, distinctions between regions, and diffusion between regions. These studies have contributed a vast amount of knowledge about the corpus of art in given cultures or regions, the chronological development of particular art forms and their relationship to social and environmental change, and the role of art in religious, political, and economic life.

The cultural area or regional approach still holds great sway in how survey texts, reference works, and university courses are organized. One recent survey text, *Native North American Art* by art historians Janet C. Berlo and Ruth B. Phillips (1998), successfully combines a regional and temporal frame with thematic concerns. With an excellent bibliographical essay, it is the necessary starting place for any work in native arts. Another survey by art historian Christian Feest (1992/1980) significantly departs from the regional approach and is organized by artistic media, producing numerous comparative insights. A further significant resource for native arts studies is the multi-volume *Handbook of North American Indians* published by the Smithsonian, also primarily organized by culture area.

Regional studies have long illuminated how art and technology reflect specific environments (and their natural resource availability and limitations) and cultural worldviews. A brief look at two highly contrasting regions can help reveal the importance of such studies. Arctic arts rely heavily on animal skins, bones, ivory,

and organs for the making of apparel, tools, and ritual objects, reflecting of course the primary resources in the region. Underpinning this reliance is a value system or worldview that emphasizes the reciprocal relationship between human and animal and is characterized by attitudes of respect toward the animal life with which Arctic people share the environment. Pueblo arts in the Southwest rely strongly on clay, plant fibers, and semi-precious stones and shell, all resources of the land. The study of Pueblo arts, pottery in particular, illuminates beliefs about the role of Mother Earth in sustaining the Puebloan peoples.

Although scholars, particularly in archaeology, continue to compile regional arts surveys and chronologies to illuminate historical and social change, many regional studies today pursue understanding of border-crossings and borrowings as well as cultural distinctions. One example of how this shift in scholarly perspective has impacted scholarship is work on the Plateau region, the area drained by the Columbia and Fraser Rivers and the center of a vast trade network that brought in goods and ideas from a radius of hundreds, if not thousands, of miles. This region was seen in the culture area perspective as being derivative of other areas, almost a poor cousin to the Northwest Coast and Plains cultures that surrounded it. Recently, Plateau basketry and beadwork have undergone a scholarly reassessment as well as a contemporary renewal within the region itself. Studies of Columbia River basketry reveal the complexity of techniques present in the region, including the coiled basketry of the Klickitat, the twined basketry of Wasco with iconography also found in regional rock art, and the corn husk bags of the eastern Plateau that employ a false embroidery technique. Rather than see the geometric and representational designs of Plateau basketry and beadwork as merely reflective of other regions, scholars and native artists are concerned with revealing what is unique in the iconography of the region as well as understanding its relationships with other regions' arts and the materials introduced by non-Indian settlers and traders.

Within regional studies, the characteristics particular to specific regions may shape scholarly investigations. For example, in most areas, there is a gendered division of labor in the making and using of art. Plains women historically make beadwork and quillwork, while men create pictorial arts. In many regions, such as California and the Northwest Coast, generally women are basketweavers while men are carvers. However, recognition of these facts does not always result in explicit attention to the role of gender in art making, or to the understandings artists themselves have about the gendered nature of their work. Instead, studies may focus on particular art forms and only tangentially deal with gender. Much more work needs to be done in this area.

Another problem of regional studies is a lack of comprehensiveness; specificities of region and tribe as well as what survives in the material record and in living arts may distort scholarship in the field. So, renowned major traditions continue to elicit a great deal of attention (e.g., carving and painting on the Northwest Coast, pottery and architecture in the Southwest, basketry in California) while lesser-known or -collected arts command inadequate coverage.

The regional emphasis in native arts scholarship has had great staying power, and is likely to persist for a long time to come. However, most scholars working today at least have an awareness of the potentially distorting nature of the culture-area concept. One way some scholars have successfully maintained a regional focus yet

dealt with broader issues of political economy and global change is through studies of post-contact arts.

An emphasis on post-contact arts, particularly those made for external consumption, has emerged from a broader intellectual impulse in many disciplines to examine the processes through which value is constructed in the cross-cultural encounters that characterize not only colonial history but also current global tourism. Rather than rejecting such arts as inauthentic or lacking in tradition, scholars have embraced what were once called “curios” or “tourist arts” as evidence of artistic creativity, colonial relations, gender relations, cultural borrowing, and appropriation. Many of these studies are highly localized yet are situated within a wider field of post-colonial theory. Rather than primarily analyze form, authors concentrate upon processes of commodification.

An early example of this type of scholarship can be found in Nancy Parezo’s *Navajo Sandpainting: From Religious Act to Commercial Art* (1983), which examines the historical processes that transformed the ephemeral Navajo ritual of sandpainting into a commodity for sale to outsiders. A more recent collection of essays, *Unpacking Culture: Art and Commodity in Colonial and Postcolonial Worlds* (Phillips and Steiner, 1999), emphasizes the issues of authenticity, self-representation, and trans-cultural exchange as embodied in the art products and markets of not only Native North America but also Africa, Asia, Oceania, and India. The volume offers an assessment of the history of Western discourse about non-Western art as well as of theoretical approaches to the study of ethnic and tourist arts.

Ruth Phillips offers a full-length treatment of such hybrid arts in *Trading Identities: The Souvenir in Native North American Art from the Northeast, 1700–1900* (1998). Phillips makes a strong argument for the study of commoditized art objects, beginning with the point that their sheer numbers cry out for attention. Souvenirs provide a means to critique the discourse of authenticity that surrounds them as well as to recover the perspectives of their makers (mostly women) and consumers (often ordinary people rather than wealthy collectors). As do many contemporary art historians and anthropologists, Phillips combined archival and museum research with community fieldwork and interviews with contemporary artists whose work is relevant to her reading of these arts.

The field of post-contact or hybrid arts is rich with potential for additional investigation. Many historical arts made for external consumption – such as Haida argillite carvings, Inuit graphic arts, Plains ledger drawings, California Indian baskets produced for the curio trade – have received significant attention. Yet, not only are there more historical hybrid arts to be studied, but also there is precious little research being conducted about the contemporary production of these arts. A look at any major popular journal about contemporary Native Americans – *Native Peoples*, or the now-discontinued *Indian Artist* – offers examples of the kinds of arts currently being marketed to the public: clothing, jewelry, graphic prints, pottery, “dreamcatchers,” carvings. These arts, their producers and consumers, and their role in forming popular representations of Native Americans call out for attention.

This brings us to another related dynamic in the study of native arts. The study of native art itself is continually being shaped by what is available to study, in terms of what is produced for the consuming public and promoted in popular media and advertising, what exists in (and what is omitted from) museum collections, and what

is being produced in terms of exhibitions (of both contemporary and historical arts) and scholarly publications. Scholars and native artists themselves have increasingly brought attention to the processes by which knowledge about native art is produced or occluded. One of the peculiarities of the field is that the production of knowledge within it is subject to the complexities of exhibition and catalogue creation, which are in turn dependent upon exhibiting institutions and patrons' missions, philosophies, and funding sources. As a means of addressing the gaps left by these shaping forces, Ralph Coe, lamenting his own and others' ignorance about the state of what he termed contemporary/traditional Indian art, went on a pilgrimage to Indian country to find and purchase such arts for a catalogue and exhibition project, *Lost and Found Traditions: Native American Art 1965–1985* (1986). In doing so, Coe generated greater public awareness of the vitality of living traditional art (art made primarily for community and ceremonial use). Since the 1990s, a growing literature has emerged on contemporary visual arts made by Native Americans that attends to issues of its marginalization in the mainstream art world and paradigmatic problems in its study by the disciplines of art history and anthropology (see Berlo and Phillips, 1998; Nemiroff et al., 1992; Rushing, 1999).

ISSUES RAISED BY TWENTIETH- AND TWENTY-FIRST-CENTURY NATIVE AMERICAN ART

In turning to art made by Native Americans in the 20th and 21st centuries, the problem of definition again arises. What is contemporary or modern Native American art? Is training in Western art practice and history a criterion for inclusion? Where does that leave self-taught artists who adopted Western representational styles? To what degree does one's native heritage have to inform one's artwork in order to be considered a "native artist"? To what degree is identity as a native artist in the hands of the artist or inscribed by government policies such as the Indian Arts and Crafts Act of 1990, which requires proof of Indian identity in order to market one's work as that of an "Indian artist"?

Berlo and Phillips (1998: 209–210) discuss the question of defining modern native art in insightful and nuanced ways. They develop a two-part definition. First, they define native artists as those "persons of Native or part-Native ancestry whose artistic concerns have been formed by their identification with Native communities" (1998: 209). Then, in defining "modern" native art, they argue that postmodernism itself has decentered the expectation that "art develops over time in a linear fashion as a sequence of formal stylistic inventions," thus freeing us to define modern native art as characterized "not by a particular set of stylistic or conceptual categories, but by the adoption of Western representational styles, genres, and media in order to produce works that function as autonomous entities and that are intended to be experienced independently of community or ceremonial contexts" (1998: 209–210). This definition frees us to begin discussion of contemporary native art with works that might be considered outside the parameters of modernism in conventional art history, parameters that include (among many other things) a rejection of realism in favor of abstraction and expressionism. However, it also excludes from consideration those arts considered "contemporary-traditional," or arts made by contemporary native

artists primarily for community use (see Coe, 1986), although Berlo and Phillips (1998: 210) acknowledge that there is often overlap between these categories of arts.

It is documented that some, and probably many, Native Americans took up Western pictorial representation nearly as soon as they encountered Westerners, as a means to communicate across linguistic and cultural barriers. By the 1800s, imprisoned Plains Indians created drawings and paintings of traditional life and autobiographical experiences in the ledger books they were given by their captors. In other regions, self-taught artists took up the portrayal of elements of Indian life in order to document and communicate either the traditions of their people or their contemporary realities, and sometimes both. Such artists included Dennis Cusick (1799–c.1822, Tuscarora), Earnest Spybuck (1883–1949, Shawnee), Jesse Cornplanter (1889–1957, Iroquois), and Frank Day (1902–1974, Maidu). With the exception of Plains ledger art, these early efforts at autoethnographic visual communication have not been comprehensively studied and many questions remain. How are these works influenced by what the native artists believed the white audience wished to see? What qualities of native cultures were valorized by the artists and to what ends? Are there hidden or double messages in these works intended for native eyes?

In the early 20th century, a highly recognizable style that would come to be called “traditional Indian painting” arose out of the experience of native artists trained in white-dominated institutions. (See Brody, 1971, for the pioneering account of Indian painting.) In Oklahoma, a group of youth began to receive arts instruction in the mid-1910s at a mission school and then at the Indian Agency on the Kiowa reservation. Ultimately, an agency matron arranged for the youth, who were to become known as the Kiowa Five, to attend the University of Oklahoma on a non-credit basis and there they studied under Professor Oscar Jacobson, who in turn sought greater national and international attention for their work. Another Oklahoma institution, Bacone Indian College in Muskogee, took up the training of Indian artists in the 1930s and continued the conventions of traditional Indian painting, which included a flat, decorative style whose content included identifiably Indian subjects such as dance and ritual.

In the Southwest, while some Hopi, Navajo, and Pueblo artists had been creating images of traditional life on paper for anthropologists, museums, traders, and tourists in the early 20th century, it was the establishment of the Studio at the Santa Fe Indian School in the 1930s that institutionalized the training, and thus the styles, of most southwestern artists. Founded by Dorothy Dunn, a non-native graduate of the Art Institute of Chicago, the Studio insisted that students portray Indian subject matter shaped by the expectations of white patrons but expressive of “authentic” Indian painting styles.

A great body of literature has explored traditional Indian painting and its impact on contemporary Indian art. This scholarship raises and attempts to answer many questions, including: In the face of the influence of white patrons on the content and style of the art produced during the era, to what extent were native artists able to exert agency and resistance to this control? To what degree were the Indian painters aware of the art deco and other pre-modernist sensibilities of the period? What is the influence of native aesthetic traditions, such as pictographic rock art and geometric designs, on the work? It is essential to know something about this period in order to understand the early constraints upon Native American painting and its continued

legacy today. (See Brody, 1971; Archuleta and Strickland, 1991; Berlo and Phillips, 1998; Rushing, 1999.)

In 1962, the Institute of American Indian Arts (IAIA), sponsored by the Bureau of Indian Affairs, was established in Santa Fe, effectively replacing the Studio. In the 1960s and 1970s, under the leadership of native artist-teachers such as Fritz Scholder, Lloyd Kiva New, and Allan Houser, IAIA broke away from the constrictions of traditional Indian painting and sculpture and encouraged the birth of the “New Indian Art” that embraced the principles of modernism and rejected the notion that there had to be a single “Indian way” of painting. Even prior to the opening of IAIA, there were some native artists who intentionally engaged with modernism and rejected the confines of traditional expectations. Many artists coming of age in the 1950s–70s had to face the question of how to express identity and heritage in other than stereotypically Indian styles. The study of this period of transition between the flat traditional style of painting and the new emphasis upon self-expression yields tremendous insights into market and institutional forces and the persistence of the younger generation of artists in forging new visions. These visions were often in dialogue with contemporary American and European art and, rather than offering scenes of romanticized traditional life, made strong commentary on the injustices of native history.

Native artists in Canada, as Berlo and Phillips (1998: 227–234) point out, did not follow the same path of early institutionalization and a resulting narrow definition of style. Instead, a number of self-taught artists developed artwork intended to document and honor their native heritage, and in so doing, offered role models for future native Canadian artists. Perhaps the most renowned is Norval Morrisseau (b. 1931), a painter who drew from Ojibwe graphic arts traditions related to the shamanistic Midewiwin Society. Morrisseau’s work has inspired a number of younger Ojibwe artists to work in a similar stylistic fashion and explore related themes of spirituality. By the late 1960s, some native Canadian artists received training at mainstream art schools, IAIA, and one arts program designed specifically for native students at the Saskatchewan Indian Cultural College in Regina (now the Indian Federated College). A thoroughly comparative study of the development of contemporary native art in the U.S. and Canada in the 20th century has not yet been undertaken. Such an investigation might pose questions about how similarities and differences in colonial history and governmental policies impacted arts in both countries, as well as about whether relatively greater governmental support for native arts in recent years in Canada has encouraged proportionately greater artistic production by native artists.

As this broadly painted trajectory suggests, a significant issue in the study of 20th- and 21st-century native art is that of the impact of mainstream institutions on the formation of native arts, and the agency of Indian artists in resisting the hegemony of such institutions. By mid-century, native artists themselves began asking questions of institutions that offered them patronage only if they met certain conditions. Many of the artists who were the founding teachers at IAIA raised such questions, as did Oscar Howe, the Sioux artist who in the 1950s protested the narrow categories of traditional Indian painting imposed by Tulsa’s Philbrook Museum. By the 1970s and 1980s, such challenges bore fruit. Some museums had hired native curators, among them Canada’s National Museum of Man, now the Canadian Museum of

Civilization, which established a curatorial position for contemporary Indian art. In 1983, the Heard Museum in Phoenix began its biennial Native American Fine Art Invitational, which sought to feature the work of both established and emerging native artists, without respect to “traditional” categories of Indian art. The reconfigured National Museum of the American Indian included contemporary art in its 1995 inaugural exhibits, and the Eiteljorg Museum of American Indians and Western Art in Indianapolis initiated a substantial fellowship program for Native American Fine Art in 1999. These developments, while hopeful, are worthy of scrutiny for their role in defining, by inclusion and exclusion, what constitutes native art today.

The Columbus quincentenary of 1992, and official U.S. and Canadian plans to approach it as an occasion for celebration rather than critical self-examination, precipitated several exhibitions of contemporary native art in major North American venues, with significant roles for native curators. Most exhibitions emphasized native survival as well as commentary upon the losses and injustices suffered as a result of colonization, and catalogues of the major shows effectively document an important moment in native American art history (for example see Nemiroff et al., 1992 and Archuleta and Strickland, 1991; other exhibits included *The Submuloc Show/Columbus Wobs* organized by Atlatl, the native arts organization in Phoenix, and *Indigena*, organized by the Canadian Museum of Civilization). A full assessment of the impact of such exhibitions awaits but there is no doubt that they represent a turning point in the presentation of Native Americans: there is no going back to the days when mainstream cultural institutions had the exclusive right to tell the story of colonization and its legacy.

Today, the presentation of native art is characterized by the strong presence of native voices. Often the artists are heard in eloquent statements accompanying their work and/or in interviews compiled by other authors. Non-native curators and scholars now expect to collaborate with native artists, and the final products (whether exhibition or publication) are the richer because of such dialogue (e.g., see Ryan, 1999; NMAI, 2000). Increasingly, native curators and critics, trained in art history, anthropology, and critical theory, are themselves shaping the selection and reception of contemporary art. Among these curator/critics are Sara Bates, Robert Houle, Truman Lowe, Gerald McMaster, Jaune Quick-to-See-Smith, and Jolene Rickard (all of whom are also artists in their own right), and Deborah Doxtator (whose career was cut short by her death in 1998), Theresa Harlan, and Nancy Marie Mithlo.

Many native artists and curators have called for greater inclusion of their work in mainstream art institutions outside the native art “ghetto” of the museums and galleries that historically sponsor their work, and indeed a discourse of inclusivity and multiculturalism has arisen in the museum world. As of yet, however, there remains a gap between the discourse and the practice of inclusion. It remains rare, for example, that contemporary native art is reviewed in *Art in America*, the premier journal of the mainstream art world. And while one-person retrospectives are considered the pinnacle of a contemporary artist’s career, few native artists have been offered such opportunities in mainstream art venues. Primitivism – which positions the cultures and products of native peoples as romanticized or denigrated “other” – leaves a powerful legacy of marginalization that will ultimately require concrete shifts in power relations to be dislodged.

CONCLUSION

What are future directions for native art studies? Without question, the most important issue is that of native voices in the interpretation and presentation of native arts. Just how these voices are elicited and heard will be a process that continues to unfold, building upon the momentum of the last several decades of negotiated collaboration between native communities and non-native museums, curators, and scholars.

Within the disciplines of anthropology and art history, there is a need for continued development of theoretical frameworks to understand native arts of all eras and media. While the description and documentation of native arts remains a necessity, such efforts can be coupled with attention to critical analysis that situates these arts in their historical, economic, and political contexts. The study of historical arts in particular needs to integrate greater complexity of analysis, such as Phillips (1998) has done in her study of Northeast tourist arts.

The scholarship on collecting has contributed a great deal to our understanding about power dynamics between native and non-native communities as well as to an understanding about the formation of representations of Native Americans by non-natives. Ultimately, this scholarship deals with asymmetrical intercultural interactions, an important area of inquiry in our postmodern, globalizing world. This interest in transcultural processes should also be extended to the examination of pre- and post-contact exchange of artistic materials and ideas between tribal groups as well as the contemporary collecting practices of Native Americans themselves. Such study could include looking at instances when tribal groups purchase back their own cultural property and/or commission contemporary native art. On a more individual level, the collecting practices of native artists – including the trade between them – offer fascinating insights but have been little studied. The topic of collecting is also related to repatriation: What happens as tribes “re-collect” their heritage? Although some scholars have attended to this question, as the process of repatriation continues into the unforeseen future, new case studies will shed new light. No doubt repatriation, along with the desire for self-representation, will result in the continued development of tribal museums and cultural centers. It will be important to investigate what accounts for the success of some such community institutions as well as for the struggles of others.

The whole problem of the market for native arts – whether the market is that of fine art collectors or souvenir-seeking tourists – will continue to be a crucial area for study. The “market” should also be conceptualized to include Indian gaming facilities: the casino is a complicated space, designed (sometimes by natives, sometimes by outside companies) to appeal to non-Indians by presenting to them what they expect to see. In this way, it is relevant not only to examine the market for Indian art and goods at casinos, but also to examine their architecture and created spaces. Similarly, other tribal architecture should be further studied to understand native self-representations in the built environment of reservations.

Much contemporary native art speaks to the complexity of the lived reality of native people. The art selected for the exhibition and catalogue *Reservation X: The Power of Place in Aboriginal Contemporary Art* (McMaster, 1999), for example, was chosen to speak to the themes of community and identity. Taken individually and collectively,

the artwork and artists' voices provide extraordinary insight into the negotiated, contested space of the "reservation," of "home." McMaster describes aboriginal artists as "skilled articulators of culture and community identity" (1999: 28). Scholars and others interested in understanding contemporary native communities would be wise to listen to what these artists have to say.

The study of contemporary native arts in particular poses a challenge to anthropology, in part because such art has too long been seen as being outside the legitimate scope of the field, seen as "fine arts" (and thus the purview of art historians) or as arts of acculturation (and thus tainted) in the old terminology. Yet, what better visual evidence is there for issues of such great concern to anthropologists? Contemporary native arts – along with contemporary/traditional arts and historical arts – materialize resistance (and capitulation) to hegemonic cultural forces and articulate indigenous understandings of history and memory, of intercultural exchange and dialogue, and of gender and cultural identity. All anthropologists of Native North America thus need to put native arts at the forefront of their attention.

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PART IV

**Colonialism, Native
Sovereignty, Law,
and Policy**

Political and Legal Status (“Lower 48” States)

Thomas Biolsi

There are currently 562 “Indian entities” in the U.S. recognized by the federal government, each with its own form of government and with fundamental rights under federal law to tribal “sovereignty” and indigenous “self-determination.” This chapter will do three things. First, it will examine the political and legal history by which Indian sovereignty originated and has evolved. Second, it will survey the forms of sovereignty exercised by contemporary tribal governments, the gray areas in which it is contested, and the national politics through which the contests are waged. Finally, the chapter will consider tribal sovereignty as not only a key area of struggle by native people, but also a form of colonial domination by which Indian people make their own history, but not in ways of their own choosing.

HISTORICAL BACKGROUND

The origins of tribal sovereignty

In 1778 the United States, in the midst of their Revolutionary War against Great Britain, negotiated a treaty with the Delaware people to allow American troops to pass through “the country of the Delaware nation” (quoted in Deloria, 1985 [1974]: 119). In this document, the first formal, written treaty with an American Indian polity, the United States recognized, both implicitly and explicitly, the independent and sovereign status of an Indian *nation*. The explicit recognition is plain enough in the text of the treaty. In addition to the above passage regarding the Delaware nation and its “country,” the document also provided for the possibility of an Indian state “whereof the Delaware nation shall be the head, and have a representation in Congress” (quoted in Deloria and Wilkins, 1999: 8). Implicitly, the very fact of negotiating a treaty with a native polity is an indication that the United States recognized the polity as a nation; treaties are negotiated between equal sovereign

entities, just as contracts are made and binding between jural persons with formal legal equality (for indigenous understandings of the treaties, see chapter 16).

It is instructive simply to browse the placement of Indian treaties in the *United States Statutes-at-Large*. In volume 14 (1868), for example, a “Treaty between the United States of America and the Nez Perce tribe of Indians” was followed by a “Convention between the United States and the Empire of Japan.” In volume 15 (1869, two years before the United States stopped treaty-making with Indian tribes), a “Treaty between the United States of America and different tribes of Sioux Indians” (commonly known as the Fort Laramie Treaty of 1868) was preceded by a “Convention between the United States and the King of Italy.” One would appear to be on firm ground in assuming that a treaty is a treaty, and that Indian tribes, like foreign nations, are not part of the United States but are rather entities with which the United States can have only international relations. Certainly the notion that the United States could have any authority over the internal affairs of Indian nations would be a difficult proposition given the fact of these treaties. And there were more than a few of them: at least 367 were ratified by the Senate, followed after 1871 by agreements enacted by Congress, that while technically not treaties ratified by the Senate, are known in Indian law as treaty substitutes (see *Kappler*).

The status of Indian peoples as *national* entities was recognized early on by the United States Supreme Court. In the 1831 case of *Cherokee Nation v. Georgia*, chief justice John Marshall made clear the legal recognition by the United States of

the Cherokees as a state, as a distinct political community, separated from others, capable of managing its own affairs and governing itself. . . . They have been uniformly treated as a state from the settlement of our country. The numerous treaties made with them by the United States recognize them as a people capable of maintaining the relations of peace and war. . . . [with] the United States. . . . The acts of our government plainly recognize the Cherokee nation as a state. . . . (*Cherokee Nation v. Georgia*, 30 U.S. [5 Pet.] 1 [U.S. Sup. Ct., 1831], 16; many of the court cases and laws cited in this chapter are reproduced in Prucha, ed., 2000 [1975])

Marshall reiterated this position on indigenous sovereignty in the 1832 case of *Worcester v. Georgia*: “The Indian nations have always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial. . . . The very term ‘nation’, so generally applied to them, means ‘a people distinct from others’” (*Worcester v. Georgia*, 31 U.S. [6 Pet.] 515 [U.S. Sup. Ct., 1832], 560). Neither Great Britain nor the United States had ever attempted “to interfere with the internal affairs of the Indians” (*ibid.*: 547). What is more, other states – the states of the union – had no authority to interfere in any way with Indian tribes, even tribes within the exterior geographic boundaries of a state: “the laws of Georgia can have no force,” Marshall made clear (*ibid.*: 501), within the Cherokee Nation.

One might easily be entitled to think that all this is plain enough, and that sovereignty, like pregnancy, is a matter of simple fact, yes or no, not a matter of gradation or interpretation: a polity is either sovereign, or not, at least legally speaking. Marshall himself at times wrote in such a way. In *Worcester* he pointed out that the United States had applied the concepts of “treaty” and “nation” “to Indians

as we have applied them to other nations of the earth. They are applied to all in the same sense” (*Worcester v. Georgia*, 1832: 501). And writing his own, concurring opinion in the *Cherokee Nation v. Georgia* case, justice Thompson insisted: “Every nation that governs itself, under what form soever, without any dependence on a foreign power, is a sovereign state. Its rights are naturally the same as those of any other state” (*Cherokee Nation v. Georgia*, 1831: 53).

“Wardship” and “plenary power”

However logical such thinking might have been within the Enlightenment paradigm of natural and universal rights of both “men” and nations, the sovereignty of Indian nations would not turn out to be so pure. Notwithstanding the passages quoted above, Marshall himself, perhaps grudgingly, narrowed the meaning of sovereignty as far as Indian states were concerned. In the 1823 case of *Johnson v. McIntosh*, he insisted that upon “discovery” by the European powers, “the rights of the original inhabitants were . . . necessarily and to a considerable extent impaired” (*Johnson v. McIntosh*, 21 U.S. [8 Wheat.] 543 [U.S. Sup. Ct., 1823], 574; emphasis added). This amounted to Indian peoples having only the right of “occupancy” of the soil (as a tenant has during the terms of a lease), not *title* to the soil (as an owner has), which rested with the European “discoverer.” The pretense for this unilateral impairment, known as the Doctrine of Discovery, was the proposition that the Indians were “heathens” (ibid.: 577) and not Christians, “fierce savages” (ibid.: 590) and not civilized men, “hunters” and not “agriculturalists, merchants, and manufacturers” (ibid.: 587). Marshall admitted that the Doctrine of Discovery was “pompous” (ibid.: 590), but he also insisted that it had been too long ensconced in American law to be denied: “However extravagant the pretension of converting the discovery of an *inhabited country* into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it becomes the law of the land, and cannot be questioned” (ibid.: 591; emphasis added).

The “impairment” of native rights would not be limited to Indian land titles. In an attempt to avert a constitutional crisis over the authority of the Supreme Court, Marshall stepped back in *Cherokee Nation v. Georgia* from recognizing unimpaired tribal sovereignty. To the question of whether Indian tribes were “foreign nations,” Marshall gave this answer: “They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will. . . . [T]hey are in a state of pupilage. Their 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” (*Cherokee Nation v. Georgia*, 1831: 17–18).

While this passage seems inconsistent with Marshall’s other statements on Indian sovereignty, and may not reflect well the import of his overall position, this passage has been relied upon historically to justify the impairment of Indian self-government – on the basis of the assumed *primitivity* of Indian peoples. Indeed, for many jurists

and policy-makers, Marshall went much too far in recognizing Indian sovereignty. In his dissenting opinion in the *Cherokee Nation v. Georgia* case, justice Johnson doubted that even the term “state,” let alone “foreign nation,” could be applied “to a people so low in the grade of organized society as our Indian tribes most generally are.” They were, after all, “a race of hunters, connected in society by scarcely a semblance of organic government” (ibid.: 22). Johnson asked rhetorically: “how then can they be said to be recognized as a member of the community of nations? Would any nation on earth treat with them as such?” (ibid.: 24). Furthermore, were we to recognize the Cherokee as a state, “[w]here is the rule to stop? Must every petty kraal of Indians, designating themselves a tribe or nation, and having a few hundred acres of land to hunt on exclusively, be recognized as a state? We should indeed force into the family of nations, a very numerous and very heterogeneous progeny” (ibid.: 25). They are *Indian tribes*, not states, Johnson insisted, “an anomaly unknown to the books that treat of states, and which the law of nations would regard as nothing more than wandering hordes, held together only by ties of blood and habit, and having neither laws or government, beyond what is required in a savage state” (ibid.: 27–8).

What is clear is that while the Enlightenment principle of the universal Rights of Man was present in the diplomatic relations of the United States with Indian peoples from a very early date, so was the “underside” of the Enlightenment in the form of the assumption of universal “racial” inequality. Indian tribes might be almost white and therefore entitled to the Rights of Man, but not quite; thus the inherently contradictory idea of “domestic dependent sovereignty.” Their “race” and lack of “civilization” would constitute the “liberal strategies of exclusion” (Mehta, 1997 [1990]) faced by Indian people and their governments; this is the key to the colonial situation.

Acting on this racist hesitation to recognize the sovereignty of Indian peoples, however, was another matter. To be precise, it was a strategic-military matter: the United States could only deny the right of Indian nations to self-government and interfere in their internal affairs when it was in a political and military position to enforce its will against Indians, and without the danger of intervention from rival European powers. This turns out historically to have been a matter of a frontier moving from East to West. By 1830, the United States was secure enough in its geopolitical position with respect to the 13 original states to deny the sovereignty of the Cherokee and to forcibly remove them from Georgia to Indian Territory (which would become part of the state of Oklahoma). Treaties with eastern tribes were, now, from the point of the view of the government, only a formality. With respect to the West, however, the United States was in no such position in 1830, and it was not until the 1870s that the federal government was able systematically to dictate terms to Indian peoples. Once the western native peoples had been pacified and/or made dependent upon government rations by the destruction of the native ecologies, they could be confined to reservations and forced to accept military occupation. Bureau of Indian Affairs (BIA) agents on the reservations would then operate as the equivalent of military governors, and the program to “civilize” and assimilate Indians was instituted. This fundamental watershed in national Indian policy is signaled by a new legal theory (foreshadowed in *Cherokee Nation v. Georgia*): “wardship.”

In 1886 the Supreme Court announced in *United States v. Kagama* (118 U.S. 375 [U.S. Sup. Ct.], 1886) that Congress had the authority unilaterally to intervene in what had previously been the internal affairs of Indian tribes because it was the *guardian* of Indian tribes: “These Indian tribes *are* the wards of the nation. They are communities *dependent* on the United States. Dependent largely for their daily food. Dependent for their political rights. . . . From their very weakness and helplessness . . . there arises the duty of protection, and with it the power” (*United States v. Kagama*, 1886: 383–384; emphasis in original). This legal theory was firmly sedimented in 1903 when the Supreme Court in *Lone Wolf v. Hitchcock* stated clearly that Congress had “plenary power” to abrogate unilaterally treaties with Indian tribes because it was the guardian of the dependent Indian wards (*Lone Wolf v. Hitchcock*, 187 U.S. 553 [U.S. Supt. Ct.], 1903).

These two decisions did, indeed, leave Indian tribes “dependent” on the United States, since their rights as tribes (and as individual Indian wards) were completely dependent upon the whims of Congress, the courts, and even the executive branch (in particular, the BIA and the Department of the Interior, in which it is housed). The term “nation” disappeared from discourse in Indian affairs, and it would be many decades before anyone would speak again – at least in English – of native sovereignty. The assumption, between the end of the Indian wars in the later 19th century and the early 1930s, was that Indian tribes and Indian reservations were things of the “past” and that as Indian people became “civilized,” they would assume their place as American citizens (all Indians were made American citizens by Congress in 1924), and the reservations, along with tribes, would disappear. During this period, many thousands of non-Indians settled on reservations, assuming that the reservations were fast disappearing, establishing farms and communities which exist to this day and severely complicate the situation for tribal governments (see below). While it would not be historically correct to say that all aboriginal forms of self-government disappeared during this “assimilation” or “civilization” period of federal Indian policy, many were legislatively outlawed, administered out of existence, or otherwise undermined (see, for example, Biolsi, 1992: ch. 2). As far as the federal government was concerned, effective governing authority on the reservation inhered in the Secretary of the Interior and his local BIA superintendent.

Inherent sovereignty

For complex historical reasons, not the least of which was native resistance, the reservations did not disappear, and federal policy changed radically in the 1930s. In 1933 a new commissioner of Indian affairs (head of the BIA), John Collier, was appointed to bring about reform in the BIA and in federal Indian policy. Among Collier’s accomplishments was his successful lobbying for the 1934 Indian Reorganization Act (IRA: 48 Stat. 984 [1934]) (most of the federal statutes referenced in this chapter may be found in Prucha, ed., 2000 [1975]), which, among other things, renounced the assimilation policy of the federal government and provided for Indian people living on reservations to establish tribal governments. The process would involve local people drafting a tribal constitution, which, after ratification in a tribal referendum, would be approved by the Secretary of the Interior and would be

binding not only on tribal members and their tribal government, but also on the BIA and the federal government. While the actual drafting of the tribal constitutions had much less input from Indian people than the publicity suggested (see, for example, Biolsi, 1992: ch. 4), “organizing” tribal governments allowed Washington legal thinkers to recover a theory of tribal sovereignty, implicitly hidden in the case law.

The IRA recognized, but did not specify, “all powers vested in any Indian tribe or tribal council by existing law” (Indian Reorganization Act, 1934: 987). The New Dealers in Washington who had authored the IRA developed this phrase into a principle that went beyond the terms of specific statutes or treaties to the concept of the *inherent powers of Indian tribes* (see Deloria and Lytle, 1984: 157–168). These powers were spelled out in a 1934 Interior Department solicitor’s opinion, which identified the following inherent powers of a tribe: to define its form of government; to determine its membership; to regulate domestic relations; to impose taxes; to exclude non-members from its jurisdiction; to administer justice; as well as others (United States Department of the Interior, 1979 [1934]: 445–477). These powers were not delegated or “given” to tribes by the United States, but were powers that logically inhere in the aboriginal sovereignty of Indian nations that predated the United States. It was true, the solicitor admitted, that Congress had the authority – plenary power – to limit the sovereignty of Indian tribes, but each inherent power “not expressly limited” by an act of Congress “remains within the domain of tribal sovereignty” (*ibid.*: 447).

MODERN TRIBAL GOVERNMENT

Beginning in 1935, the BIA and the solicitor’s office in the Department of the Interior began to “organize” tribes that had voted in favor of the IRA in tribal referenda (separate laws were provided for organizing Indian governments in Oklahoma and, later, Alaska [see chapter 13]). This generally amounted to a staff member from the BIA’s “Organization Division” and a representative of the solicitor’s office drafting a constitution on the basis of a generic model that a tribal committee was allowed to tinker with (see, for example, Biolsi, 1992: ch. 4). While not all contemporary tribal governments have IRA constitutions, most do, and those that do not, have forms of organization very similar to IRA governments.

As modern governments go, IRA governments were weak organizations (although from the point of view of their tribal constituents, they could wield some quite significant petty powers). This weakness was a result of two factors. First, the constitutions drafted for the tribes included provisions requiring approval or review of some tribal actions by the BIA or the Secretary of the Interior (these provisions were generally not required by the IRA but were placed in the tribal constitutions through administrative discretion). The BIA took a generally aggressive stance in terms of tribal supervision, and often vetoed acts of tribal governments (see Biolsi, 1992: ch. 6). Second, tribal governments as a rule had no significant sources of revenue to fund permanent administrative staffs.

The situation changed fundamentally in the 1970s as a result of three historical ingredients. First, a new cadre of younger tribal members came on the scene who had gained experience at both politics and public administration (and who had imbibed

the idea of community self-determination) from their employment in the federally sponsored Community Action Programs on the reservations in the late 1960s and early 1970s (Castile, 1998; see chapter 14). Second, new sources of tribal revenue began to appear with the opening up of federal grants to tribes under the Johnson Administration’s Office of Economic Opportunity, and with the enactment of the Indian Self-Determination Act (88 Stat. 2203 [1975]), by which tribes became eligible to assume the management of local BIA service delivery on reservations, along with federal funding for those services (see chapter 6).

Third, a new political ideology was spreading rapidly in Indian Country: the notion of recovering tribal sovereignty. The sources of this ideology were complex. A key source was the political alliance between urban, activist Indian people and “traditionalists” or “full-bloods” on the reservations who had always insisted upon the centrality of treaty rights in defining the political status of Indian people. This alliance was most clearly visible at the Trail of Broken Treaties Caravan to Washington in 1972, and the occupation of Wounded Knee in 1973, where the Independent Oglala Nation was declared to exist. Giving voice to the political logic behind this movement were a number of key texts, including Vine Deloria, Jr.’s *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (1985 [1974]) and a series of publications produced by the Institute for the Development of Indian Law (for example, Berkey, 1976; Kickingbird, 1977). While the Wounded Knee occupation and the concept of native sovereignty had been conceived as an action *against* the Oglala Sioux Tribal Council in particular, and IRA tribal government in general (from the point of view of the occupiers and their sympathizers, IRA tribal governments were colonial impositions upon native people), by the mid- to late-1970s, tribal governments had adopted much of the activists’ vision of sovereignty as the framework for modern tribal government. In many ways, the vision of the sovereignty movement was consistent with the earlier solicitor’s opinion on tribal powers. The sovereignty movement, as adopted by the tribal governments, included the conviction that tribal governments are, in fact, *governments*, with inherent powers of self-determination over their territories, inherent powers which necessarily limit, in the view of tribal advocates, the sovereignty of the federal and state governments on Indian reservations. Tribal officials, under the tutelage of Deloria and other attorneys and activists, carefully re-read the 1934 solicitor’s opinion, and a new world of tribal self-determination opened before them.

JURISDICTIONS

The principles of congressional plenary power and inherent tribal sovereignty represent the two fundamental baselines for determining the extent of tribal sovereignty in contemporary federal Indian law:

- 1 Plenary Power. Congress has the authority to determine how much sovereignty an Indian tribe may exercise. Congress may either reduce tribal sovereignty, or add to the powers that a tribe may exercise. Congress may even “terminate” the federal recognition of tribes, as it did in a series of acts between 1954 and 1962, affecting more than 13,000 Indian people (Prucha, 1984: 1048).

A contemporary example of Congress reducing the authority of tribes is the 1988 Indian Gaming Regulatory Act, which reduced the inherent power of tribes to operate gaming facilities independent of state interference by essentially requiring state approval (through a state-tribal “compact”) of tribal gaming (Indian Gaming Regulatory Act, 102 Stat. 2467 [1988]). An example of Congress using its plenary power to enhance tribal power is the 1991 act recognizing the right of tribes to exercise criminal jurisdiction over non-member Indians (see below). And Congress may use its plenary power to restore federal recognition to “terminated” tribes or to grant federal recognition to tribes that were never so recognized (the current process of “federal recognition” of tribes more commonly takes the form of administrative decisions within the Department of the Interior, a process known as “Federal acknowledgement” [see Bureau of Indian Affairs, 2002; see chapter 24]).

- 2 Inherent Sovereignty. A tribe retains those powers of sovereignty that are logically implied in the exercise of self-government prior to the existence of the United States. These powers include, but are not necessarily limited to, those powers set out by the Interior Department in its 1934 “Powers of Indian Tribes.” Unless removed by an act of Congress, all these powers of tribal sovereignty remain in place.

We turn now to an examination of the questions that animate the politics of contemporary federal Indian law.

Federal jurisdiction

In 1885 Congress enacted the Major Crimes Act which extended federal criminal jurisdiction over the following crimes when committed by an Indian in Indian Country (“Indian Country” is a legal concept essentially equivalent to “Indian reservation”): murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny (Major Crimes Act, 118 Stat. 375, 1885). The list has since been extended to include kidnapping, maiming, incest, assault with intent to commit murder, assault with a deadly weapon, assault resulting in serious bodily injury, assault against an individual who has not yet attained the age of 16, and felony theft.

Among the most serious tribal concerns regarding federal criminal jurisdiction is that Indians are often subjected to more severe sentencing than are non-Indians for the same crimes, simply because Indians are tried in federal courts, while non-Indians accused of the same crimes in Indian Country are tried in state courts. Federal sentencing guidelines (which remove discretion from judges in imposing sentence) and other federal criminal law provisions (for example, lowering the evidentiary threshold for conviction) automatically apply in the case of any offender convicted in federal court. A non-Indian, however, who committed the same act on a reservation would not be subject to federal jurisdiction (unless the victim was Indian), but rather prosecution in state court, where sentencing is generally less severe because of the absence of sentencing guidelines. The Supreme Court considered this possible denial of due process to Indians on the basis of race in *U.S. v. Antelope*, and concluded that “federal regulation of Indian affairs is not based upon impermissible [i.e., racial]

classifications. Rather, such regulation is rooted in the unique status of Indians as ‘a separate people’ with their own political institutions. Federal regulation of Indian tribes, therefore, is governance of once-sovereign [*sic*] political communities; it is not to be viewed as legislation of a ‘racial’ group consisting of ‘Indians’” (*U.S. v. Antelope*, 430 U.S. 641 [U.S. Sup. Ct., 1977], 646). Nevertheless, tribal members and their advocates remain very concerned about the disparate treatment (see South Dakota Advisory Committee to the United States Commission on Civil Rights, 2001). As one Rosebud Sioux tribal member recently expressed the concern in a local newspaper, “I have over the years seen, heard and read of many Federal Indictments, which had [the] incidents occurred off the reservation, they would have been misdemeanors and if committed by a Non-Indian would likely have been dismissed” (Lakota Journal, 2003).

One critical limit on federal authority over tribes is that the federal constitution does *not* apply to the actions of tribal governments or tribal courts. The logic of inherent sovereignty is that the powers of self-government that inhere to contemporary tribes are *pre*-constitutional and thus *extra*-constitutional in nature. In part because of this inherent limitation on federal power over Indians, Congress responded by using its “plenary power” to impose the equivalent of the Bill of Rights on tribal governments through the 1968 Indian Civil Rights Act (ICRA: 88 Stat. 77 [1968]) (many tribal constitutions now contain provisions largely parallel to federal civil rights). But the Supreme Court has insisted that the enforcement of the ICRA is to be left to tribal, not federal, courts (except for *habeas corpus* cases). The 1978 case of *Santa Clara Pueblo v. Martinez* concerned a tribal membership law which required tribal paternity for enrollment. Tribal member Julia Martinez, who had been married to a Navajo, was, thus, not able to enroll her daughters because their father was not Santa Clara Pueblo, even though they had grown up at Santa Clara and lived there. When she and one of her daughters sued the tribal government in federal court under the ICRA for discrimination on the basis of gender and ancestry, respectively, the Court held that the proper forum for the question lay within the tribal court; the civil rights of Mrs. Martinez and her daughter were a tribal, not a federal, question (*Santa Clara Pueblo v. Martinez*, 436 U.S.49 [U.S. Sup. Ct.], 1978).

One of the key legal questions at present is when acts of Congress apply to Indians, tribes, or reservation lands. Indian people are, generally, subject to U.S. laws that apply to other citizens. Indians, for example, must pay federal income taxes and register for the selective service. Reservation lands are also subject to general federal laws such as the Environmental Protection Act, the Endangered Species Act, and the Clean Water Act. Some federal laws specifically exempt tribes from their application, such as the Americans with Disabilities Act. The significant question exercising the federal courts at this time is when federal laws of general applicability – without any specific reference to Indian tribes – apply to tribal governments. For example, in 2002, the U.S. Court of Appeals for the Tenth Circuit held that certain provisions of the National Labor Relations Act do *not* apply to tribal governments, which may enact “right-to-work” laws under their inherent sovereignty (*National Labor Relations Board v. Pueblo of San Juan*, 276 F.3d 1186 [U.S. Ct. of Appls., 10th Cir.], 2002). On the other hand, the Ninth Circuit has held that the Occupational Safety and Health Act *does* apply to tribal enterprises (*Donovan v. Coeur d’Alene Tribal Farm*, 751 F.2d 1113 [U.S. Ct. of Appls., 9th Cir.], 1985).

Not surprisingly, many tribal government officials and political activists are very uncomfortable, to say the least, with what they see as federal infringement of tribal sovereignty. They recognize that in the end, congressional “plenary power” over tribes is a form of continued colonialism, and that the subjection of tribes under federal Indian law makes federal commitment to Indian “self-determination” questionable. Some Indian people increasingly look to the United Nations for redress of this problem. A U.N. “working group” consisting of representatives of member states, working with indigenous non-governmental organizations in “consultative status,” is currently completing work on the Draft Declaration of the Rights of Indigenous Peoples. Article 3 is particularly noteworthy and controversial: “Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status . . .” (United Nations, 1994: 3). Not surprisingly, Australia, Canada, New Zealand, the Russian Federation, the United Kingdom, and the United States have balked at this wording, and the latter has proposed alternative text that would limit indigenous self-determination to an “*internal* right to autonomy or self-government in matters relating to their *local affairs*,” a right to be negotiated “*within the framework of the existing nation-state*” (United Nations, 2003: 18, 6; emphasis added. See also the web pages of the Indian Law Resource Center, the International Indian Treaty Council, and the Teton Sioux Nation Treaty Council, for Indian perspectives on the draft declaration).

State jurisdiction

Since at least as early as 1832 when the Supreme Court held that the “laws of Georgia can have no force” in Cherokee country, Indians in Indian Country have claimed exemption from state criminal and civil/regulatory jurisdiction. State criminal laws do not generally apply to Indians in Indian Country; state sales taxes do not apply to purchases by Indians within reservations; and state income taxes do not apply to Indian income earned within reservations. The freedom of tribes from state authority is what originally entitled them to operate gaming facilities free from state interference (a formidable element of inherent sovereignty which, as mentioned above, was scaled back by Congress using its plenary power in 1988).

The exemption of tribes and Indians from state jurisdiction has been complicated, however, by two factors. The first is Public Law 280 (67 Stat. 588 [1953]) which extended state criminal and civil jurisdiction over the reservations in California, Minnesota (except Red Lake Reservation), Nebraska, Oregon (except Warm Springs Reservation), and Wisconsin (except Menominee Reservation). Alaska was subsequently added to this list of “mandatory” states with statehood in 1958. The act also granted “the consent of the United States” to other states – “option” states – that might choose to assume all or some criminal and civil/regulatory jurisdiction over Indians in Indian Country. The jurisdictional arrangements across the nation are diverse and complicated at this time because of both assumptions of state jurisdiction under Public Law 280 since 1953, as well as “retrocessions” of state jurisdiction from states back to the federal and tribal governments.

The second factor which complicates the baseline assumption that states do not have jurisdiction over Indians in Indian Country is the 2001 Supreme Court holding

in *Nevada v. Hicks*, in which a state game warden executed a state search warrant (for an alleged off-reservation crime) at the home of an Indian within the Fallon Paiute-Shoshone Reservation. The Court held that the officer acted within the law:

[T]he Indians’ right to make their own laws and be governed by them does not exclude all state regulatory authority on the reservation. State sovereignty does not end at a reservation’s border. Though tribes are often referred to as “sovereign” entities, it was “long ago” that “the Court departed from Chief Justice Marshall’s view that ‘the laws of [a State] can have no force’ within reservation boundaries.” (*Nevada v. Hicks*, 533 U.S. 353 [U.S. Sup. Ct., 2001], 361; quoting *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136 [U.S. Sup. Ct., 1980], 141)

“When . . . state interests outside the reservation are implicated,” the Court reasoned, “States may regulate the activities even of tribe members on tribal land . . .” (*ibid.*: 362). States, the Court announced, have “inherent jurisdiction on reservations . . .” (*ibid.*: 365). It is fair to say that the legal extent of state jurisdiction in Indian Country is not only unsettled legally but politically contested at this time.

Tribal jurisdiction

Few, if any, knowledgeable lawmakers, lawyers, or judges in the U.S. today would question the assumption that tribal governments have the inherent rights of self-government itemized in the Interior Department solicitor’s 1934 opinion on “Powers of Indian Tribes” *over their own tribal citizens*. What is less clear legally, and controversial politically, is what lawful authority tribal governments may exercise over people who are not tribal members. With the assumption that tribes are full territorial sovereigns, as articulated in the sovereignty movement, some tribal governments began to exercise jurisdiction over non-Indians within tribal territories in the 1970s. Perhaps predictably, some non-Indians resisted this tribal jurisdiction, and in 1978 the Supreme Court sided with the critics in its *Oliphant v. Suquamish Indian Tribe*. The case involved the exercise of tribal criminal jurisdiction over a non-Indian, and the Court insisted that tribes do not have such jurisdiction. Attacking the inherent-powers principle, the Court reasoned that there were “inherent limitations on tribal powers,” limitations not necessarily specified in an act of Congress, but nevertheless implied by tribal incorporation into the U.S. (*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 [U.S. Sup. Ct., 1978], 209). Tribal governments may not so much as issue a traffic ticket to a non-Indian at present (at least as a matter of federal law).

While *Oliphant* appeared to settle the matter regarding criminal jurisdiction, it left open the question of tribal civil and regulatory jurisdiction over non-Indians within Indian Country. While tribes have had some room for maneuver in these latter areas, the Supreme Court has progressively narrowed the exercise of tribal civil/regulatory jurisdiction over non-Indians. The basic framework was laid out in 1981 in *Montana v. U.S.*, where the Court insisted that tribes ordinarily do not have civil/regulatory jurisdiction over non-Indians on privately owned lands on reservations. There was no act of Congress which had stripped tribes of inherent civil/regulatory jurisdiction

over their territories; rather, the lack of sovereignty over non-Indians is, as in the *Oliphant* case, implicit. There are, however, two exceptions: (1) “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” (*Montana v. U.S.*, 450 U.S. 544 [U.S. Sup. Ct., 1981], 565); and (2) “A tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on [privately owned] 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” (*ibid.*: 566).

For many years tribes saw the second “*Montana* exception” as justification for tribal regulation of a good deal of non-Indian activity on reservations. The tribes observed that states, counties, and municipalities regulate and exercise civil jurisdiction over a wide range of activities within their territories on the assumption that these activities may “threaten or have some direct effect on the political integrity, the economic security, or the health or welfare of” the polity. Jurisdiction in these instances is based on the valid government interest in regulating or otherwise having civil jurisdiction over the activity in question, without concern for the citizenship or racial status of the individual(s) engaged in the activity. Thus, the tribes reasoned, the same kinds of activities on reservations should be subject to tribal civil and regulatory jurisdiction, even when the individuals involved are non-Indian. Running a business in the reservation economy, using land within a reservation ecosystem, operating a motor vehicle on reservation roads, and so on, all have, from a tribal-government point of view, “impacts” on tribes. But the Supreme Court has not countenanced this broad reading of *Montana*, and has recently underscored the *narrowness* of its “*Montana* exceptions.” In *Strate v. A-1 Contractors* (520 U.S. 438 [U.S. Sup. Ct.], 1997), the Court held that the tribal court of the Three Affiliated Tribes of the Ft. Berthold Reservation in North Dakota did not have jurisdiction over a lawsuit between two non-Indians involving an automobile accident on a highway running through the reservation. In 2001 the Court held that a non-Indian trading post on privately owned land within the Navajo Reservation is not subject to a tribal business tax (*Atkinson v. Shirley*, 532 U.S. 645 [U.S. Sup. Ct.], 2001). But the Court has gone even further, and in *Nevada v. Hicks* severely limited the authority of tribal governments over non-Indians even on reservation land legally held in trust for Indians by the federal government (*Nevada v. Hicks*, 2001). A line of cases from *Oliphant* to *Hicks* has progressively developed the assumption that tribal governments have virtually *no* authority over non-Indians.

A parallel legal question concerns tribal jurisdiction over “non-member Indians.” A substantial resident population on many reservations comprises “foreign” Indians who are not enrolled in the local tribe. Could tribal governments exercise criminal jurisdiction over these people? In *Duro v. Reina* the Supreme Court opined that the situation of a non-member Indian subjected to foreign tribal jurisdiction would be “the same as the non-Indian’s in *Oliphant*” (*Duro v. Reina*, 495 U.S. 676 [U.S. Sup. Ct., 1990], 688). As the District Court had reasoned, “to subject a nonmember Indian [who is, of course, an American citizen entitled to constitutional rights] to tribal jurisdiction where non-Indians are exempt would constitute discrimination based on race,” and the Supreme Court denied tribes authority over non-member

Indians (ibid.: 680). Tribes and their advocates responded by seeking a legislative “*Duro*-fix” from Congress under its plenary power, which in 1990 declared tribal criminal jurisdiction over “all Indians” as an “inherent power . . . hereby recognized and affirmed” (United States Code, Title 25, Indians, Ch. 15, Sec. 1301[2]).

The *Duro*-fix has implications for tribal jurisdiction over non-Indians. Tribal advocates and the National Congress of American Indians have been particularly concerned about the recent decisions in *Nevada v. Hicks* and *Atkinson v. Shirley*, which they see as a form of judicial activism undermining inherent tribal sovereignty, but they recognize these as simply the most recent of a long line of damaging Court opinions stretching back to the 1978 *Oliphant* decision, and undermining the core principle of inherent tribal sovereignty. Tribal governments and national Indian leaders are currently considering proposal of a “*Hicks*-fix,” which, as in the case of the *Duro*-fix, would entail an act of Congress recognizing and affirming an inherent sovereign power of tribes, in this case, civil and criminal jurisdiction over *all persons* within their territories (see National Congress of American Indians).

THE ANTINOMIES OF SOVEREIGNTY

It would be easy enough to summarize the history chronicled above by depicting contemporary Native American tribal sovereignty as both partly an achievement and clearly an ongoing struggle by Indian people to recover their aboriginal political status. This, in fact, is the dominant narrative articulated by tribal officials, the lawyers and politicians who represent them, as well as many law professors specializing in federal Indian law, and there are clearly elements of truth in such a progressivist narrative of justice for Indian people within American law.

But this is not a sufficient anthropological explanation for the emergence of what is commonly called the “self-determination period” in the history of federal Indian policy since the 1970s (notwithstanding the significant losses for tribes in the Court, including the recent *Hicks* decision). We need to ask *why* Congress and the courts have continued to recognize – and in some cases expand – the special political and legal status for Indian tribes. Is the explanation simply that the colonizer has, perhaps grudgingly, found it necessary to accede to the increasingly politically powerful and ethically compelling demands of the colonized? Or do we, on a different tack, need to be alert to the possibility that the oppression of Indian peoples is most efficient precisely when it is most “just,” most “multicultural” – that is, precisely when it clothes itself in the framework of “tribal sovereignty” and “Indian self-determination”?

A useful framework for thinking critically about actually existing tribal sovereignty is to be found in studies of “governmentality.” Governmentality is a word that was used by Michel Foucault to refer to forms of social regulation that exist outside of the centralized power of the state (Foucault, 1991 [1979]). Under the contemporary governmental regime of neo-liberalism, for example, large areas of governing are in effect subcontracted by the state to parastatal or non-state entities. While this process may claim to amount to “empowerment” or “democratization,” the governmentality framework suggests that the maintenance of political order is only more efficiently and insidiously institutionalized as it is dispersed by “devolution.” With

the replacement of the welfare state by a technology of “privatization” and “personal responsibility,” for example, individual citizens are increasingly expected to assume responsibility for their own welfare by adopting an “enterprise culture” (Burchell, 1996: 29). But it is not just individuals: neo-liberalism is a matter of “the multiple ‘responsibilization’ of individuals, families, households, and communities for their own risks – of physical and mental health, of unemployment, of poverty in old age, of poor educational performance, of becoming victims of crime” (Dean, 1999: 166; see also Rose, 1996). A concept closely related to governmentality and equally promising for critically understanding American Indian tribal sovereignty is “graduated sovereignty,” in which regulatory authority over some populations, such as refugees or workers in free trade zones, is strategically “outsourced” by the state to private firms, non-governmental organizations, or even foreign governments (Ong, 1999: 217). Native American “sovereignty” needs to be understood in this critical light.

From a governmentality or flexible-sovereignty perspective, federal law and policy supporting tribal sovereignty is consistent with the dominant neo-liberal “mentality” of governing (see chapter 15). Native American “sovereignty” is about tribes being responsibilized for the welfare of their “own” tribal members, and about Indian “nations” being held accountable – by the federal and state governments and by their own tribal citizens – for everything from “the economy” (which is to say, *jobs* on the reservation) to civil and human rights. Just as the target of neo-liberal “welfare reform” is both compelled and disciplined to take “personal responsibility” for her welfare (and that of her family), so Indian tribes are increasingly called upon to take responsibility for “their own” people. While at first blush this might sound progressive or even democratic, the powerful ideological effect of this form of tribal responsibilization is the *offloading of obligations for the welfare of Indian people from the federal or state governments, or the nation at-large – imagined as a community* (see Biolsi, 2001: 187–188). The distinct redistribution of responsibility in *Santa Clara Pueblo v. Martinez* (see above), almost universally acknowledged as a “victory for tribal sovereignty,” clearly expresses this rationality. Mrs. Martinez and her daughters could not expect protection of their rights as women or as a racial minority as American citizens. The responsibility for addressing those rights was relegated to the tribal court and the tribal council, with which the federal courts had no right to “interfere.” Here is an example of the “cultural defense” writ large. This active reallocation of political or ethical obligations under the coin of “tribal sovereignty” and “Indian self-determination” needs to be understood clearly. While on the one hand, the case recognized the right of tribes to formidable autonomy, at a larger level the logic entailed redrawing the boundaries of American social citizenship, in which the concept “tribal sovereignty” distinguishes a “realm of our business from a realm outside that is none of our business” (Young, 2000: 253). The logic of the *Santa Clara* court was to subcontract responsibility for social citizenship rights to the Pueblo government, *absolving non-Indians of responsibility for the welfare of Indian people*, indeed, more than that: designating a political and ethical “outside” that is “none of our business.” If the American nation is, like any nation, an “imagined community” based on “deep, horizontal comradeship” (Anderson, 1983: 16) – perhaps at its zenith during the New Deal or Great Society period – our active recognition, not just of a “multicultural” society, but of “sovereign nations” within

the U.S. can only amount to *imagined limits to national comradeship and mutual responsibility*. Those limits are, of course, precisely what neo-liberalism is about.

None of this is to suggest that tribes do not have good material reasons for pursuing justice through sovereignty rights-claims, and it is obvious that the form of “sovereignty” allowed to tribes under federal Indian law is not necessarily consistent with the ways some Indian leaders and intellectuals envision their sovereignty (see, for example, Coffey and Tsosie, 2001; Porter, 2002; Tsosie, 2002). But we need to be alert to the ways in which tribal sovereignty is “received” in the (largely white) public sphere in the U.S. – the public sphere mediated by print, television, and radio. The ongoing emergence of tribal sovereignty and its role (unintended from a tribal standpoint) in overthrowing the American welfare state and social citizenship deserve careful and critical scrutiny.

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Political and Legal Status of Alaska Natives

Caroline L. Brown

INTRODUCTION

At a regional conference for native elders in the summer of 2001, I was walking with a friend who works for Doyon, Ltd., the regional native corporation of Interior Alaska. We had just been given a tour of the host village from the back of a four-wheeler. Pointing out the various structures spread out along several intersecting dirt roads that generally followed the banks of one of Alaska's interior rivers, our guide identified the various governmental sites in town, including the "IRA," the "city," and the "corporation." The IRA (referring to the Indian Reorganization Act) is the tribal council building, the city is the common referent in villages for the seat of municipal government organized under state law, while the corporation is where employees of the village native corporation take up the business of managing village assets under the provisions of the Alaska Native Claims Settlement Act (ANCSA). This intersection of authoritative bodies is not unusual in Alaska Native villages; a visitor to most Interior Athabascan villages, for example, will find either an IRA or a traditional tribal government recognized by the federal government, a village corporation, and a municipal or city government. This layering has real consequences for on-the-ground village organization and extra-village relationships as local village political organization is also connected to larger regional native corporations and organizations – all of which conduct the business of government in Alaska Native villages.

Given this intersection of governing bodies, there remains significant confusion about the political and legal status of Alaska Natives among state agents, such as social workers in charge of native child welfare cases, the general Alaskan public (many of whom have never been to rural Alaska), and even some Alaska Natives themselves. The situation is even more perplexing to individuals outside of Alaska, less familiar with the history and politics of the state. To understand Alaska Native political organization, it is necessary to take a step back and examine the settlement of native land claims through ANCSA in 1971, a settlement that resulted in an

overlapping system of native corporations *and* tribes, rather than just tribes, the bodies more commonly recognizable to researchers, activists, and others outside of Alaska.

Alaska Native communities vary by size, location, language, and cultural attributes, among other factors. There are over 200 Alaska Native villages within the state, divided into five broad cultural groupings: Inupiaq (Birket-Smith, 1953; Burch, 1980; Chance, 1990; Jorgensen, 1990; VanStone, 1962), Yup'ik (Fienup-Riordan, 1983; Hensel, 1996), Athabascan (MacFayden-Clark, 1981; Nelson, 1983; Simeone, 1995; Slobodin, 1981; Snow, 1981), Alutiiq (Black, 1980; Lantis, 1970), and Tlingit (Oberg, 1973; deLaguna, 1983; Kan, 1989). According to Anne Shinkwin (1984), historically "Alaska Native societies were self-governing autonomous socio-territorial groups. Family structures (local families, clans) were multi-purpose institutions, organizing economy, polity, and religion within a society" (p. 361). Participation in cyclical subsistence activities created a flexible social structure characterized by situational leadership and the fluid alignment of family lines. Contemporary villages range in size from fewer than 50 residents to over 1,000 residents. Throughout most of Alaska, these villages are geographically remote and off the road system, accessible only by bush plane, river travel, snow-mobile, or dog sled. Most villages in Alaska are located in geographically significant areas with respect to the subsistence cycle, or in areas settled by non-native people for resource extraction, missionary activity, and military sites.

Most Alaska Native villages maintain a significant level of local independence as well as dense regional kinship and social networks between villages expressed most often through the social practices of visiting, political action, and subsistence activities. Communities maintain separate histories of settlement and missionization, while also exercising regional cooperation in defense of their common interests. For example, historical documentation and oral historical accounts describe regular meetings of chiefs or situational leaders, representing different family lines of the Tanana Flats region in Interior Alaska. These meetings, once described primarily as inter-group gatherings for trade, renewal of social ties, and information, transformed in 1915 when the regional leaders met with territorial judge, James Wickersham, to discuss increasing intrusion on their lands by settlers and gold miners (Arnold, 1976). This regular meeting became the basis for the Tanana Chiefs Conference (TCC), a regional not-for-profit organization representing Interior Alaska Native interests and out of which was formed Doyon, Inc., the regional native corporation created under ANCSA.

The primary challenges to understanding the legal and political status of Alaska Natives are several. First, while Alaska Native populations have always been there, they have not experienced consistent treatment throughout the various stages of Alaskan history. Russian ownership, United States federal territorial status, statehood, and the various forms of resource extraction throughout each of these stages have resulted in an uneven terrain of ethnic (as indigenous people) and political (as sovereign populations) definition and acknowledgment. Second, the intersections of local and regional relations among villages resulting from historical patterns and reconfigured by ANCSA also offer challenges for understanding the political and legal status of Alaska Natives. The Alaska Native Claims Settlement Act itself created more confusion than clarity over land status in terms of the legal nature of native

lands conveyed under ANCSA, contributing to the debate over the nature and reach of native self-government.

Much of the previous work on Alaska Native political and legal status has centered on the tribal status of Alaska Natives, specifically the extent to which their status resembles that of native populations outside of Alaska in the contiguous 48 states (Gorsuch and Case, 1987; McBeath and Morehouse, 1994; Smith and Kancewick, 1990). Experts in the field of native-federal legal relations, Case and Voluck (2002 [1984]) earlier presented a nearly exhaustive treatment of the history of federal law as applied to Alaska Natives, where they argued for a long history of this unique relationship, despite the ambiguity surrounding its development. Historically, anthropology and law have worked in concert to produce working legal definitions of what constitutes a tribe. However, it is important to keep in mind that these definitions may be confounded by the distinct histories and complicated contemporary social landscapes of native populations in the United States (see Goldberg-Ambrose, 1994). Since 1993, most Alaska Native villages have been formally characterized as politically separate “tribes.” However, the size of these communities as well as the nature of the social connections between them creates difficulty for many State of Alaska agents in comprehending and accepting these entities as separate tribes. Additionally, the intervention of village and regional corporations resulting from the land claim creates confusion about local governmental authority. Further, the provisions of ANCSA have led some to argue that it erased any existing tribal presence. The debate is important in that it centers on whether, and how, to apply a corpus of federal Indian law to Alaska Natives (see chapter 12 for an examination of how this body of law inflects native–state–federal relations in the “lower 48” states).

In their historical details, the experiences of Alaska Natives call into question the coherency of federal Indian law and thus the (mono)logic of official legal recognition. In a recent symposium on Indian law in North America, Susan Gooding and Eve Darian-Smith (2001) suggest that as a dominant legal regime, Indian law acts as a normalizing, consolidating force and ideology; for example, eras of Indian law act as “stable referents” for narrating the experiences of Native peoples (p. 3). The particular historical trajectory of Alaska Native political experience challenges this ideological coherency by resisting established categories of legal tribal status. Instead, Alaska Native political and legal status remains a contested site in the reconfiguration of cultural, legal, and economic relations in Alaska.

In an attempt to discern these challenges, this chapter will trace political-legal status through three major developments in Alaska Native history that continue to shape the contours of Alaska Native authority and governance. First, it provides a summary examination of legal status in historical context, considering the impact of Alaska’s territorial days (1867–1959) and its import for absorbing native populations into the new polity (for a detailed treatment of the legal history of the Alaska Native–federal relationship since Alaska’s purchase, see Cohen, 1982; Case and Voluck, 2002 [1984]). Second, it will describe the Alaska Native Claims Settlement Act of 1971 as a primary reconfiguration of Alaska Native political-economic organization and ANCSA’s relationship to tribal government. Finally, this chapter surveys contemporary tribal government, considering the complications of native sovereignty with reference to Alaska’s legal history and ANCSA. As such, this chapter will explore

how shifting concepts of Native sovereignty and authority are inflected through the particular experience and historical contingencies of Native Alaska.

LEGAL STATUS IN HISTORICAL CONTEXT: TERRITORIAL DAYS, 1867–1959

As the “last frontier,” Alaska has always been a prize of economic gain, generally in the form of resource extraction. Early Russian occupation centered around trapping fur-bearers to supply a growing fashion of fur garments in Europe. The indigenous occupants were useful or acknowledged only to the extent that they could facilitate this process. Alaska did not escape North American colonial desires for access to new lands and new resources. Nicknamed “Seward’s Folly” because of its severe climate and geography when Secretary of State William Seward negotiated the purchase of Russian Alaska from Russian Czar Edward de Stoeckl, there were early doubts about Alaska’s economic productivity to the nation. However, the land has proven to be a wealth of extractable resources for foreign and domestic markets, including commercial animal resources (fur-bearers and fisheries), minerals (namely gold), and, most recently and significantly, oil. The land also supports multiple animal populations that constitute a significant portion of native and non-native economies through subsistence uses, even today. As one might expect, then, land figures prominently in the complicated historical recognition of Alaska’s indigenous populations, specifically through the idiom of aboriginal title, and has become a significant point of contention in the contemporary recognition of native self-government.

Importantly, Alaska Natives were never conquered, forcibly removed, or made signatories to treaties with imposing nations. However, the combined ideologies of racial superiority and religion worked with capitalist expansion to contribute to the early ambiguity of Alaska Native political status under American rule. At the time, the market value of the land was not realized, and no real effort was made to distinguish or define Alaska Native status until large-scale resource extraction forced an examination of aboriginal title. Further, Alaska came into United States hands after the Civil War and during the “assimilation period” of federal Indian policy. As a result, most federal actions were bent toward “civilizing” Alaska Natives through missionization, educational reform, and land policy. Federal territorial policy made little attempt to distinguish Alaska Natives as separate populations under separate administration until the early to mid-1900s (McBeath and Morehouse, 1994).

The political and legal status of Alaska Natives was first addressed by the United States in the 1867 Treaty of Cession, which divided Alaskan residents into two separate categories: “uncivilized” tribes, and all other inhabitants. The difference between the two categories lay in the possibility of citizenship for all but members of the uncivilized tribes, who would be made “subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country” (Treaty of March 30, 1867, 15 Stat. 539). Prior to the Indian Citizenship Act of 1924, when all Native individuals in the United States were declared United States citizens, civilization was generally synonymous with the abandonment of communal relations (Cohen, 1982; Case and Voluck, 2002 [1984]). However, this

categorization did not clearly map onto consistent court decisions regarding the title and occupancy restrictions reflected in *Johnson v. McIntosh* (see chapter 12). According to *McIntosh*, the United States retains “ultimate dominion” over Indian lands; until aboriginal title was extinguished, native communities were prohibited from conveying title to their lands to private parties.

In Alaska, the consistent application of *McIntosh* was hampered by confusion over Alaska Natives’ legal status more generally in light of the Organic Act of 1884, which incorporated Alaska as a territory of the United States. Significantly, the Organic Act offers the first example of legislative enactments to benefit or protect Alaska Natives, *as Native populations*. Section 8 states that “[T]he Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress” (Act of May 17, 1884, ch.53, 23 Stat. 24, sec. 8).

While section 8 of the Organic Act appears to be the beginnings of a historical recognition of communal native land holding and occupancy, and hence a legal distinction and recognition between native and non-native populations, conflicting interpretations of the act resulted in, not surprisingly, conflicting legal outcomes. According to Case and Voluck (2002 [1984]), federal and territorial courts held various interpretations of this section, specifically regarding the recognition of aboriginal title. Importantly, the Treaty of Cession and the Organic Act book-end the close of the treaty-making era in federal–native relations; it is no wonder that interpretational ambiguity is written into the acts themselves. In essence, up until 1955 just before statehood, federal courts oscillated on the question of whether the Organic Act recognized aboriginal title or merely preserved its undetermined status under the 1867 Treaty of Cession.

Beyond addressing land concerns, the Organic Act also contained an education provision important to the course of Alaska Native recognition. Sheldon Jackson, originally a Presbyterian missionary in Alaska and later appointed as the first Alaska agent in 1885, was charged with implementing the non-racial priorities of education laid out in the Organic Act. These efforts were directed under the Department of the Interior’s education program, rather than the Bureau of Indian Affairs (BIA). As part of this program, the education of native people was not officially distinguished from the education of other territorial residents. Jackson’s implementation of these educational priorities, however, focused a significant amount of the department’s resources on native villages, setting up local schools and delivering vocational courses in villages across the state, in addition to establishing village-centered commercial enterprises (Case and Voluck 2002 [1984]; Darnell, 1990).

Until 1905, then, the separate administration for Alaska Natives existed only by the realities of implementation, rather than by design. In 1905, however, drawing on the same dichotomy between civilized and uncivilized, the Nelson Act established a dual system of education where the territorial governor became responsible for the education of whites and mixed-blood children, while the Department of the Interior retained the responsibility for the education of Eskimos and Indians. In 1931, Interior’s responsibilities for the education program were transferred to its own division, the Bureau of Indian Affairs, under the authority of the Snyder Act (1921), which grants administrative authority over all federal Indian programs. This

move institutionalized the administration of Alaska Native services under the BIA, but not necessarily through the vehicle of tribal organization.

By the early 1900s, then, neither federal nor territorial governments had carved out consistent or coherent statements about the political/legal status of Alaska Native communities or the land they occupied and had relied upon for centuries. In spite of vacillating case law, several reserves had been created to benefit and protect Alaska Native interests. However, with the exception of one reservation, created by Congress in 1891 (Metlakatla), the vast majority of these “executive order” reserves did not recognize “permanent or compensable” native interests in the land (Case and Voluck, 2002 [1984]). It is important to keep in mind that reservations are generally created by treaty (none exist in Alaska) or by Congress; these reservations recognize and usually extinguish aboriginal rights to a larger territory while holding the reserved land in trust for native use and occupancy. Executive order reserves are set aside by action of the president for native use; aboriginal rights are not necessarily recognized and these reserves are therefore much less stable or permanent than reservations created by treaty. Other means provided for individual acquisition of land title. The General Allotment Act of 1887 was extended to Alaska in 1906, allowing an individual native to acquire title to up to 160 acres. In 1926 (though later repealed in 1976), the Native Townsite Act provided for the conveyance of land to native individuals in specially designated townsite areas (Cohen, 1982).

As the “New Deal” politics of the Roosevelt administration reconfigured federal–Indian relations in the contiguous United States, BIA administrators sought to apply the same concepts to Alaska Native populations. Owing to the existing native social organization, geographic distribution of villages, and the lack of true reservations in Alaska, the original 1934 Indian Reorganization Act (IRA) did not apply to Alaska. As a result, the IRA was amended in 1936 to provide for reorganization based on “a common bond of occupation, or association, or residence within a well-defined neighborhood, community or rural district” (25 USCA 473a). According to the House Report that accompanied these provisions, Alaska Natives “have no tribal organizations as that term is understood generally. Many groups which would otherwise be termed ‘tribes’ live in villages which are the bases of their organizations” (H.R. Report No. 2244 at 1–2; in Case and Voluck 2002 [1984]). Regardless of the particular form of social organization, however, there was evidence of continuing local self-government. According to Case and Voluck (2002 [1984]), a BIA-conducted survey of tribal organization prior to amending the IRA for Alaska found a range of governing structures operating within communities (p. 381; see also Hippler and Conn, 1975). The 1936 amendments were meant to identify tribal entities and their tracts of land (aboriginal title), define geographic boundaries for territorial jurisdiction, and finally, to protect Alaska Native economic rights.

To address this last goal, the Alaska IRA, as it is sometimes called, allowed another vehicle (though repealed in 1976) for the creation of Indian reserves on land occupied by Alaska Native communities. These reserve lands were held in trust by the federal government until their trust status was extinguished by ANCSA. The most famous of these reserves was the Venetie Reserve, created in 1943, which set aside 1.8 million acres for use by the Gwich’in Athabascan villages of Venetie and Arctic Village in northeastern Alaska. Originally meant to clarify tribal territorial jurisdiction

and authority, these reserves introduced complications that would contribute to the contemporary battle over tribal rights in Alaska, discussed below.

The implementation of the IRA in Alaska is important for several reasons. First, it attempted to clarify Alaska Native status by aligning it with that of Indian tribes outside of Alaska by encouraging villages to reorganize (as tribes) through bonds of association in the absence of existing reservations. Second, by creating reserves, it contributed to an already tangled history of aboriginal title in Alaska and in so doing, set the stage for contemporary contests over tribal authority. Finally, it contained the seeds of the contemporary tribal sovereignty movement by focusing attention on tribal status.

The history of Alaska Native political and legal status is characterized by fragmentation and ambiguity. Confused by conflicting legal decisions regarding aboriginal title and disparities between federal and territorial priorities that would continue into Alaska's statehood era, federal policy stopped short of making a clear statement concerning tribal status or aboriginal title. Further, the beginning of World War II and the advent of the "termination period" of federal Indian policy brought the advances of the IRA period to a close (Gorsuch and Case, 1987). Because of the historical contingencies of the land's economic value connected to the uneven integration of Alaska Natives into the national polity, Alaska Native status remained ambiguous, but already deeply contested.

NATIVE, INC.: THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

This contest came to a head with statehood, though the ambiguity surrounding land status would not be fully addressed until 1998, still without complete resolution. Section 4 of the Statehood Act (1959) provided that Alaska and Alaskan residents disclaimed any right to lands and property that *might* be held by native populations or held in trust by the federal government for natives. While this appears to hold out the possibility of aboriginal title, the United States Supreme Court interpreted section 4 to neither recognize nor deny aboriginal title (see *Kake v. Egan*, 369 U.S. 60 [1962]). Continuing from the ambiguity of the earlier land cases, the Statehood Act merely preserved the (undetermined) status quo.

As a territory, Alaska was considered public land under federal oversight. Upon statehood, the new state government was entitled to select lands from the public domain, or lands that were deemed "vacant, unappropriated, and unreserved" (Alaska Statehood Act of July 7, 1958, Pub. L. No. 85-508, 72 Stat. 339 at 340). The suggestion that lands used by Alaska Natives for centuries were vacant was a reflection of the same ethnocentric priorities of the nation's own origin myth of manifest destiny: lacking "civilization," North America's original occupants were not really using the land; in their move westward (or northward in this case), pioneers could transform the land and any existing occupants into productive components of the nation (see Williams, 1990). In reality, these selections threatened native use and occupancy, and native protest over certain state selections led to the organization of local, regional, and eventually state-wide confederations of native people for the protection of their land base. As a result, in part of native political pressure, the Alaska Native Claims Settlement Act passed in 1971, as one commentator put it, "in a

twinkling, but not without stunning complexity” (Case and Voluck, 2002 [1984]: 157).

As an “experiment in social engineering” in the settlement of native land claims, the provisions of ANCSA distributed 44 million acres and \$965.2 million to compensate native communities for lands they relinquished (Arnold, 1976). As a vehicle for the administration of allocations, ANCSA set up a two-tier, hierarchical corporate structure of 13 regional corporations and more than two hundred village corporations. Village corporations received an initial cash settlement along with parcels of land generally located around the village itself, while the regional corporations received significant land holdings along with the subsurface rights to regional and village corporate land. Regional land awards and subsurface rights were meant to be the basis of the regional corporations’ development schemes that would continue to sustain their member villages (Arnold, 1976; Berger, 1985).

The creation of native corporations under ANCSA signaled a fundamentally different approach to native claims to land and political-legal authority. As laid out in ANCSA, benefits (land and money) would accrue to native people as individual shareholders in corporations, not through the existing communal affiliations of clans, families, or villages, or through the tribal organization found in the contiguous states. These provisions were developed in contradistinction to the reservation system in place throughout much of the United States. In the 48 contiguous states, reservation land is held in trust by the federal government for Indian tribes with supervision by the Secretary of the Interior (Arnold, 1976).

ANCSA provided land for native uses without trust status. The concern on the part of the drafters was that reservation land in trust status would, as it has in the lower 48 states, inhibit the development of native land, since trust land may, in general, not be leased, sold, or mortgaged. Economic development of fee-simple land (deeded, private property) by native corporations would not be so constrained (Arnold, 1976). While this “solution” sounds good for the welfare of native peoples, one of the drawbacks is that since there are no reservations in Alaska, there arguably is no “Indian Country” over which native governments may exercise sovereignty. One of the benefits for lower-48 tribes of having reservations in trust status is that these blocks of trust land are legally Indian Country – where states generally *may not* exercise criminal or civil jurisdiction over Indians, and where federal law clearly recognizes tribes as having civil and criminal jurisdiction and sovereignty. Private, native corporation-owned land in Alaska, however, has no special jurisdictional status different from that of any other privately owned land in the state. ANCSA, thus, proposed a different solution that could avoid the inescapable political relationships between sovereign tribes on the one hand, and the federal and state governments on the other hand, as found in the lower 48 states, instead providing a completely privatized form of political and economic participation in state and federal matters for native people. In exchange for the extinguishment of all claims based on aboriginal title, land was transferred to native corporations in fee simple status under state jurisdiction. Native corporations could sell or develop their lands without federal oversight and free from federal restrictions. To recognize native ownership and decision-making authority over the land, the corporations were designed to issue shares in corporate assets, the land. ANCSA thus generally rejected the notion of a federal trust relationship with the tribes found in the lower 48 states: under ANCSA,

native individuals were redefined as shareholders; traditional lands became an alienable asset as newly privatized property; genealogical and residence ties were reconfigured into share certificates through land privatization. As a result, the ownership and management of native land was separated from the governance of native people. Private, state-chartered corporations manage land assets; tribal government attends to people (Case and Voluck, 2002 [1984]).

The path to “go corporate” was by no means an easy route, nor has it since enjoyed diminished criticism (see chapter 19; Dombrowski, 2001; Hirschfield, 1992). Many native leaders sincerely believed that they were avoiding the problems that plagued the reservation system, while others have argued that ANCSA’s market-based values were particularly egregious in that the land could potentially be lost if the corporations fail. Though the financial success of some of the native corporations indicates a measurable level of victory in retaining land and compensation for lost land, the overall success or failure of ANCSA depends on how one defines its goals.

In a land where subsistence activities continue to support Alaska Native economies and sense of identity – rural and urban – ANCSA’s effects are particularly problematic in the subsistence battle that continues to rage in Alaska (see Lee, 2003). In 1983, Thomas Berger, a Canadian judge, was appointed by the Inuit Circumpolar Conference to survey the effects of ANCSA. Berger traveled throughout rural Alaska, conducting public meetings where villagers could express their concerns about the act. By 1983, the contradictions between subsistence priorities and the profit structures created by ANCSA, especially on the village level, were evident. According to one man in his early thirties from the village of Gambell in Northwest Alaska, “I’ve always believed this island was ours. All that [ANCSA did] was recognize our ownership. But . . . other things were done: first, the stocks were wedged between the land and its people” (quoted in Berger, 1985: 8). As this passage indicates, Alaska Native futures are often narrated as belonging to the land, rather than the other way around. In other words, Alaska Natives often measure their connections to the land through historical ties with their ancestors and reciprocal relationships with animals; their ability to survive through generations relies on their use of and interaction with the land. In this sense, belonging to the land challenges conventional neo-liberal understandings of property ownership (see also Fienup-Riordan, 1984).

The evolution of stock ownership under ANCSA is also particularly illustrative of the challenges the act poses for living *as* native people, however that may be defined. The original terms of ANCSA provided that each native person would be issued 100 shares of stock in the regional corporation. Natives living in villages or who listed their home villages at the time of the ANCSA registration were also issued stock in their village corporation. The thousands of Alaska Natives who did not live in villages during the registration, or who did not identify a home village, were enrolled and issued stock in one of the 13 regional corporations. These shares could not be sold or alienated until December 18, 1991, some 20 years after enactment. Native individuals born after December 18, 1971 could only receive stock through inheritance or court orders resulting from divorce or child custody disputes. These two provisions posed significant problems. First, traditional native communal claims on the land were based on kinship and descent, not stockholding, and the alienation of corporate shares from 1991 on posed a threat to the very link between native peoples and their land. There was nothing in the original version of ANCSA to prevent native land from

becoming a (liquefiable) commodity or “asset,” and given the history of the loss of Indian land under allotment in the lower 48 states, the danger of loss of land to non-Indians eager to buy corporate shares loomed larger. Second, there was no guarantee that Alaska Natives born after 1971, sometimes referred to as “afterborns” or “new natives,” would even own corporate shares. Again, Berger’s commission captured much of this fear.

“...the corporation’s not, it’s not the right answer...we have to do something that reflects membership as the Native people go through generations, that they still are members of their tribe or the group that they belong to, the village.” (Sam Demientieff, quoted in Berger, 1985: 10)

“The way I see things now...[I have] concern about the kids that was born after ’71, 1971. I could see now that, if we don’t do anything or try to help them, they’ll be the people that will be cut off from their land...a thing that we cannot live without. And seems like the way things...is going...it will get to the end where we are not on our own, on our own land, because of too many different urban people’s law, which we have not been brought up with...Our own belief about our land is as strong as urban people’s law, but it’s not recognized...” (Catherine Atla, quoted in Berger, 1985: 12)

It is important to keep in mind that ANCSA’s original goals were explicitly assimilative. United States Senate staff suggested that the true intent of ANCSA was moving Alaska Natives toward “normalcy,” defined as “normal commercial behavior, a movement towards business as usual, a movement toward providing a sameness for all the Native population in terms of legal recognition and treatment that it had that is being like everybody else. It’s got nothing to do with...cultural traditions and this and that...it’s important to be like everybody else” (Douglas Jones, quoted in Case and Voluck, 2002 [1984]: 176). Jones’s description, equating capitalist social relations with “normalcy,” implies the obverse as well: subsistence economies are not normal. The contradictions of for-profit businesses (native corporations) created for the protection of cultural heritage continue to be felt in a variety of ways.

Amendments to ANCSA, passed in 1987, addressed these concerns surrounding stock ownership, but also raised serious questions about the nature of ANCSA corporations. The “1991 Amendments,” as they are called, eliminated the stock alienability provision originally scheduled to become effective on December 18, 1991; shareholders cannot individually sell their shares unless the majority of shareholders in the corporation vote to allow such action. Native corporations can also now issue stock to children born after 1971, upon approval by the shareholders, although to date only three of the 13 regional corporations (Doyon, Ltd., Arctic Slope Regional Corporation, and NANA Regional Corporation) have chosen to do so. This remains an important consideration for the future of native corporations if they are to remain organizations that benefit their shareholders *as native people*. Refiguring land and connections to it into “assets” measured and individuated by corporate shares is fundamentally inconsistent with the heart of the kinship and communal relations that characterize Alaska Native social organization and living on (and off) the land. But potential dangers and complications remain: in essence, village lands now *belong to the shareholders* of the village or regional corporation,

whether or not they live in the village, *rather than communally to all community members*. Decisions about the disposition of village land belong to shareholders since village and regional corporations have control over the land as owners. The question remains as to what authority native communities have *as governments*, or as “tribal entities,” over native homelands. Presently IRA or traditional tribal governments have no territorial jurisdiction, a point to which I will return in the next section (see chapter 19; and Dombrowski, 2001, for a sophisticated analysis of the intersection of the politics of timber development and local subsistence priorities in southeast Alaska).

Though ANCSA is technically silent on the matter of tribal government in Alaska, section 2(b) of the act is often interpreted to threaten or even terminate a relationship between the federal government and Alaska Natives. The section reads in part: “The settlement should be accomplished rapidly. . . with maximum participation of Natives . . . without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship . . .” (42 U.S.C.A. sect. 1601[b]). At the same time, many significant pieces of federal Indian legislation, such as the Indian Self-Determination Act, specifically list ANCSA village corporations as tribes for the purposes of the various Acts (see Smith and Kancewick, 1990). And, in 1993, the Assistant Secretary of the Interior clarified the tribal status of Alaska Natives by listing 226 ANCSA villages as “tribes.”

Indeed, as Case and Voluck (2002 [1984]) suggest, it is in its silence that ANCSA contributes most to the debates and ambiguity over the nature and reach of native self-government. While the land settlement was based on village organization, neither existing municipal nor tribal governments operating within these native communities were the recipients of the land and money assets. Rather, the newly created village and regional corporations became the owners of those assets. As mentioned above, territorial jurisdiction over that land – that is, government – is exercised by the state, rather than by the tribe or even by the federal government. By *de facto* excluding territorial jurisdiction from the scope of tribal authority, ANCSA highlighted the undefined nature of Alaska Native tribal authority and jurisdiction. As questions regarding land ownership were slowly being worked out by the 1980s and 1990s, tribal status and recognition continues to be battled out in the courts.

CONTEMPORARY ALASKA NATIVE TRIBAL GOVERNMENT

Generally, tribal status is a political recognition that reflects a “government-to-government” relationship between a tribe and the federal government. A dense and not at all coherent legal history dictates the parameters of this relationship as it is manifested around the United States.

Since 1936, two kinds of specifically native governments have been recognized by the federal government in Alaska: IRA governments and traditional councils. A third unique form of tribal government exists in southeast Alaska – the Tlingit-Haida Central Council. The Central Council took its beginnings from the Alaska Native Brotherhood and Alaska Native Sisterhood, formed in 1912 and 1915 respectively, to advocate on behalf of Tlingit and Haida Indians in southeast Alaska. The Central Council qualifies as a federally recognized tribe. Approximately 75 tribal governments

in the remainder of Alaska are organized under the IRA, while approximately 150 traditional councils, which can take many forms, operate in other villages. Questions of land ownership and territorial jurisdiction aside, the federal government has recognized traditional councils and IRA governments as eligible for federal American Indian and Alaska Native programs and services since well before ANCSA became a reality (for a detailed discussion of contemporary forms of Alaska Native tribal government, see Case and Voluck, 2002 [1984]). In addition, the Indian Self-Determination and Education Assistance Act of 1975 (ISDEA) contributed to a revitalization of institutionalized tribal organization in Alaskan villages because of ISDEA's requirement that services under the Act be contracted to recognized tribes or tribal organizations. Because of the individualizing and potentially "color-blind" (that is, denying "special" rights to natives) effects of the shareholder provisions of ANCSA discussed earlier, tribal membership (as opposed to holding stock in a corporation) has become a significant means of being recognized as native and being part of a group with a government-to-government relationship with the federal government (a "tribe" or a "tribal entity"). Tribal membership, recognized in federal Indian law as a tribal, not federal, matter, usually relies in Alaska on individual community rules of kinship affiliation stemming from earlier census lists and ANCSA rolls.

Regional native organizations have also long been part of an Alaska Native political landscape. As discussed earlier, interior Alaska Native communities are served by Tanana Chiefs Conference (TCC or *Dena'Nena'Henash*). TCC draws its beginnings from the historical meetings of situational leaders, or chiefs, and family heads from the Tanana Flats and surrounding areas. As mentioned, TCC laid the groundwork for the creation of Doyon, Inc., the regional for-profit ANCSA corporation. Once Doyon (which means "boss" or wolverine in Koyukon Athabascan) had assumed responsibility for land and money under the provisions of ANCSA, TCC shifted its attention toward social service delivery for its member villages or tribes. As a consortium of 37 federally recognized tribes and five unrecognized villages of interior Alaska, TCC's ability to secure funds on behalf of its member villages relies on those villages' delegation of their federally recognized authority to the non-profit body for such purposes; it does not maintain a separate federally recognized tribal status, as does the Tlingit-Haida Central Council mentioned above. But under the ISDEA, these non-profit bodies like TCC are considered tribal organizations, eligible for much of the same funding their individual member villages are. Currently, TCC runs a variety of programs addressing a range of local needs, including tribal government services, health and family services, educational programs, monitoring subsistence protections and wildlife management, among others.

In addition to regional native organizations, Alaska Natives have formed or participate in several state-wide and international groups to address specific concerns in Native Alaska. Originally formed in 1966 to address land claim concerns, the Alaska Federation of Natives (AFN) was integral to the formulation of ANCSA. AFN still meets on an annual basis, usually in Anchorage, but now deals with a broader spectrum of state-wide native concerns, such as health and education. In response to severe declines in marine mammal species in the Arctic and sub-Arctic, several commissions evolved to secure protection of the subsistence use of these animals by Alaska Natives under the provisions of the Marine Mammal Protection Act (1972).

Finally, the Inuit Circumpolar Conference formed as a non-governmental organization in 1977 to promote Inuit rights and interests internationally, including the circumpolar indigenous populations of the United States, Canada, Russia, and Greenland.

COMPLICATIONS OF SOVEREIGNTY

Throughout Alaska's history, commentators have debated the political existence of tribes within the state's boundaries. As discussed earlier, much of this debate revolves around the nature of social organization of villages in rural Alaska, as well as other factors including the involvement of Alaska Native communities in Alaska's economic past (see Mitchell, 1997).

The history of federal Indian policy in the United States began with a (equivocating, and perhaps only grudging) recognition that native polities had rights to autonomy *as nations*. As the strategic and military power of Indian tribes waned in the face of evolving U.S. domestic and global power in the 19th century, the federal government redefined Indians as *wards* of the U.S., emphasizing the *racial* nature of Indians, rather than their citizenship in autonomous nations. By the 1930s, however, federal Indian policy shifted under the Indian Reorganization Act toward recuperating the "inherent," though somewhat ambiguous, sovereignty of tribes as originally recognized by the U.S. and its courts. Through several decades and more shifts in policy, the concept of sovereignty continues to be debated and reconfigured; it is neither absolute nor entirely coherent or consistent (see chapter 12).

Under both Alaska territorial and state law, Alaska Native communities have been encouraged to incorporate as municipalities. The Indian Village Act of 1915 permitted Indian villages to organize as local governments during Alaska's territorial days. The powers of government provided for were limited to exercise of jurisdiction over native residents; native village government did not have authority over white residents under the 1915 Act (which was, in any event, repealed in 1929). Later, under the state constitution, and again under ANCSA, native communities were encouraged to incorporate under the Alaska Statutes, thereby vested with limited powers of local self-government, though not recognized specifically as *native* governments (Berger, 1985; McBeath and Morehouse, 1994). ANCSA also required village corporations, as private land owners, to re-convey land parcels to various individuals and organizations, including their municipal government, if one existed. If no municipality existed, the land would be held in trust by the state. The original act provided for re-conveyances to municipalities of no less than 1,280 acres, though this was later amended to allow for smaller parcels. The authority over those assets remains subject to the shareholder priorities, which may or may not remain predominantly "native" (Case and Voluck, 2002 [1984]: 318, 371). Even where tribal status is recognized, however, the nature and scope of Alaska Native sovereignty remains contested.

Because of Alaska's peculiar history with regards to village organization and land-claims resolution, the contemporary debate over the status of Alaska Native sovereignty centers on the political existence of tribes and the status of native corporation land under ANCSA. Much of the contest over native sovereignty has occurred within the relatively hostile context of state-native relations. While the state went some

distance to recognizing aboriginal title in its constitution (but then participated in the land claim that would extinguish that title), tribal status has never enjoyed full recognition in state actions. In 1988, the Alaska Supreme Court concluded that native groups in Alaska were not self-governing, thus did not constitute tribes in the legal sense, and so denied a claim of sovereign immunity in *Native Village of Stevens v. Alaska Management & Planning (A.M.P.)* (757 P.2d 32 [Alaska, 1988]). Much of the court's ruling in this case and others within the following decade relied on the opinion that ANCSA eliminated sovereign tribal status; lacking reservations, Alaska Native villages lacked significant governmental authority. Since the 1980s at least, the state's executive branch has actively denied the political existence of tribes, or diminished tribal status to mere "racial" organization that conflicts with the state constitutional mandates of equal treatment among citizens.

This position was bolstered by Public Law 280, applied to Alaska in 1958, the year before statehood. PL-280, enacted originally in 1953, provided for the mandatory application of state civil and criminal jurisdiction over native individuals in Indian Country in five states, with Alaska added by amendment in 1958. While many analysts have argued that PL-280 does not diminish tribal jurisdiction, providing instead for concurrent tribal and state jurisdiction over civil matters, Alaskan courts consistently interpreted PL-280 to provide for exclusive state jurisdiction until 1999. For example, in *Native Village of Nenana v. State Department of Health and Social Services* (722 P.2d 219 [Alaska, 1986]), the case that formed the basis of the state's position on tribal powers under the Indian Child Welfare Act (ICWA) until 2001, the state court denied the authority of tribal courts to transfer cases from state court to their own forums. Interpreting PL-280 to grant exclusive state jurisdiction over civil matters, the court effectively limited the recognition of tribal court authority protected under ICWA.

Emerging from the ambiguous history of native sovereignty in Alaska, a set of circuitous cases that eventually reached the U.S. Supreme Court in the 1990s addressed taxation and adoption in two northern Athabascan villages of interior Alaska and "resolved" native land and tribal status. The first case, *State of Alaska v. Native Village of Venetie*, was brought in 1988 when the state challenged the village's attempt to impose a business tax on a state project in the community. The state argued that Venetie was not a tribe with the territorial jurisdiction to tax non-members. Territorial Indian jurisdiction, as described above, is defined in federal law by the circumscription of a geographical space considered to be "Indian Country," which defines the boundaries between tribal, state, and federal jurisdictions. In the second case, *Native Village of Venetie I.R.A. Council v. Alaska*, the village of Venetie brought suit to compel the state to recognize a tribal adoption under the Indian Child Welfare Act (ICWA). This case also hinged on Venetie's tribal status; if Venetie had tribal status, then the state of Alaska must afford "full faith and credit" to the adoption decree, or any child-custody determination, made by the council under ICWA.

The U.S. Court of Appeals for the Ninth Circuit remanded the cases together back to federal district court to clarify Venetie's tribal status and to determine whether village lands were Indian Country – that is, the nature of tribal authority in Alaska and the scope of tribal jurisdiction. Sovereign tribal status is generally determined through the common law definition found in *Montoya v. United States* (180 U.S.

216 [U.S. Sup. Ct., 1901]). According to *Montoya*, an Indian tribe constitutes a sovereign tribe if: (1) the group in question is of the same race, united in a single political community, and inhabiting roughly the same territory, and (2) they are the successors to a historical sovereign that exercised minimal functions of governing authority over the group (see Smith and Kancewick, 1990). Finding that Venetie did in fact meet the common law definition, the Alaska Federal District Court then turned to the Indian Country question. The territory in question was originally encompassed by the Chandalar Reservation, or Venetie Reserve, a 1.8 million acre reserve created under the authority of the IRA in 1941. While the Chandalar Reservation and others were revoked by ANCSA, a provision of ANCSA allowed the village corporations to select the surface and subsurface rights to their land in fee-simple, forgoing the cash settlement and other benefits. The shareholders and residents of the two villages then voted to transfer their fee-simple corporate land to the tribal government and dissolve the village corporations. Whether this land was legally Indian Country hinged on two points: the nature of federal superintendence over the tribes and the extent to which these lands had been set aside for the use and occupancy of the native population.

Relying on the corporate modeling of ANCSA and its intent to avoid “creating a reservation system or lengthy wardship or trusteeship,” the district court determined that the village lands were not Indian Country; while Venetie was a tribe, it did not have territorial jurisdiction. Upon appeal, however, the Ninth Circuit reversed the district court’s findings, holding that ANCSA did not extinguish Indian Country in Alaska. According to two leading experts on federal Indian law in Alaska, the Ninth Circuit took a broad view of the two points above, applying six additional factors assessing tribal governance and land status, effectively expanding the “circumstances under which tribally owned fee lands would constitute a ‘dependent Indian community’” (Case and Voluck, 2002 [1984]: 425). Within the canons of federal Indian law – accepted by the courts and by attorneys – any limitations on Indian rights (for example, loss of powers of self-government or sovereignty) can be assumed only in the face of clear language to that effect enacted by Congress, and any ambiguities are to be resolved in favor of the Indians. While ANCSA was not intended to create additional trust responsibilities, neither did it terminate the federal superintendence over Alaska Natives, and thus their rights to tribal sovereignty.

The State of Alaska appealed to the United States Supreme Court, which overturned the Ninth Circuit decision in 1998. The *Venetie* decision effectively eliminated the possibility of Indian Country in Alaska, with the exception of a few still existing small reserves, native townsites, and Indian allotments. ANCSA had, in the words of Justice Fernandez of the Ninth Circuit, “attempted to leave [native communities] as sovereign entities for some purposes, but as sovereigns without territorial reach” (quoted in Case and Voluck, 2002 [1984]: 427), and this situation was allowed to stand by the Supreme Court. Though a significant blow to native sovereignty in Alaska, the *Venetie* decision did clarify the tribal status of Alaska Native villages, both by the common-law definition (*Montoya*) and by a 1993 list issued by the Department of the Interior. Thus, of the 556 Indian entities itemized in the *Federal Register* in 2000 (the most recent listing in that source), just under half (or 227) are located in Alaska, an area approximately one-third the size of the entire United States (Bureau of Indian Affairs, 2000: 13298-13303).

“WHOSE LAW AND ORDER?” ALASKA NATIVE TRIBAL COURTS

Anticipating the *Venetie* decision, the *Anchorage Daily News*, Alaska’s largest newspaper, published a week-long series on the potential effects of the recognition of Indian Country in Alaska. As part of the series, the *Anchorage Daily News* dedicated a four-page spread entitled “Whose law and order?” to an examination of village justice systems, how they work, and the jurisdictional issues surrounding their operation. While the article points out that nobody knows exactly how many tribal courts are in operation, a tribal court trainer for the Tanana Chiefs Conference suggested that because of sovereign tribal status, there are 227 potential tribal courts in rural Alaska. Tribal courts come in many shapes and sizes: some villages maintain separate, institutionalized courts comprising panels of judges, while in other communities, the tribal council doubles as a court when the need arises. More recently, several communities have experimented with intertribal courts with judges from all participating villages.

The extent of authority of these courts is, however, not clear. Tribal courts can enforce village ordinances against tribal members; however, jurisdiction over non-natives generally depends on the existence of Indian Country (that is, tribal governments have what little authority over non-Indians that the federal courts will countenance only when the tribe has a defined territory – a reservation). In the absence of Indian Country in Alaska in the wake of *Venetie*, Alaska tribal courts have no such claim to territorial sovereignty over persons and activities within Indian Country. Like tribal courts elsewhere in the United States, Alaska Native tribal courts are also constrained by the mandates of the Indian Civil Rights Act and the Indian Child Welfare Act.

Facing mounting pressure to recognize tribal justice systems within the context of the *Venetie* decision, the Alaska Supreme Court reversed its earlier position on tribal court recognition one year after *Venetie*. In 1999, the Alaska Supreme Court recognized tribal forums as appropriate decision-making bodies for child custody cases between members. Briefly, *John v. Baker* was first heard as a custody hearing between two parents from neighboring villages in the Northway tribal court, the village of the father. With the permission of the mother and cooperation of her village council, the Northway court heard the case and granted custody to the mother. The father, from Northway, took his case to the Superior Court in Fairbanks, which awarded him custody over the objections of the mother and her attorney that there was already an existing tribal court order on the matter. The mother then appealed the Superior Court’s decision to the Alaska Supreme Court who found in her favor, relying on the argument that the Superior Court should have recognized the tribal court’s original order. This landmark case highlights two significant points in the shifting recognition of Alaska Native legal and political status. First, the Alaska Supreme Court’s finding relies on its interpretation of the “inherent sovereignty” of tribes. Inherent sovereignty, though limited in important ways, is a valuable tool in the relatively recent Alaska Native struggle for recognition of their tribal authority. Second, as one moment in an ongoing struggle, *John v. Baker* “clarifies” one aspect of the contemporary reach of tribal jurisdiction in the wake of ANCSA: “that Alaska Natives retain inherent, non-territorial sovereignty to regulate internal domestic affairs.”

Then, in 2001, the Alaska Supreme Court overruled its 1986 *Nenana* decision (see above), holding that the Indian Child Welfare Act (ICWA) does authorize the transfer of child welfare cases from state court to the tribal court of a federally recognized Alaska Native tribe. *In the Matter of C.R.H.* (29 P.3d. 849 [AK, 2001]) involved a jurisdictional dispute between the village of Nikolai and the State of Alaska over a child welfare case involving a Nikolai tribal member. When the child was three days old, the state took emergency custody from the parents and placed the child with maternal relatives in Nikolai. According to the case records, the parties agreed upon the placement but not upon which adjudicatory body should finalize the decision. Following its earlier stance, the state argued that tribes did not maintain jurisdiction because of the allocation of civil jurisdiction over natives to Alaska under Public Law 280. However, in its analysis of PL-280, the Alaska Supreme Court held that tribal jurisdiction is expressly protected by Congress under ICWA, regardless of the state's PL-280 status. Therefore, tribes retain *concurrent jurisdiction* with the state in matters involving tribal members.

In the Matter of C.R.H. notwithstanding, the debate over tribal courts in Alaska continues to revolve around several related themes. Critics decry the lack of transparency of tribal court practice in terms of protecting individual constitutional rights, or due process. In small communities with dense kinship relations, concerns over the separation of powers and conflicts of interest come to the fore. For example, many tribal judges face ruling on cases involving relatives. However, the state's ability to adequately address crime in rural, or "bush," Alaska remains a problem, and tribal courts may offer a locally significant and expedient solution. Alaska Native tribal courts continue to operate within a sociopolitically complex and highly contentious field of customary, state, and federal law.

CONCLUSION

Returning for a moment to the back of that four-wheeler I began with, I was struck by how much was obscured in our guide's tour and the simple presence of the three buildings – the IRA, the corporation, and the city. These buildings in most Alaska Native villages sit in close proximity to one another (if not in the same building), and very often overlapping groups of individuals work in the three organizations. For instance, the mayor might also be a tribal council member and administrator for the village corporation. Or, the clerk for the tribal court (part of tribal government) might also be on the board of directors for the village corporation and/or do contract work for the city on various projects; individuals "wear many hats." But beyond the intricate relations within a village, the intersection of governing bodies in village Alaska points to a complex history and the shifting legal and political terrain of Alaska Native authority.

In its silence on the matter of tribal sovereignty, the Alaska Native Claims Settlement Act raises questions about the tensions between the corporate form and local subsistence economies as well as between the identifications of native people as both indigenous populations and corporate shareholders. Some scholars have suggested that articulating these two seemingly contrary positions is part of what native representation is about now, finding ways to be native while also being shareholders

(Dombrowski, 2001). The uncomfortable tension between their privatized interests in the land as individual shareholders and their collective rights as members of a tribe is nowhere more obvious than in battles over subsistence rights and the jurisdictional battles involving tribal courts. Most would disagree that being a shareholder is the same as being a native person, yet land, redefined as an asset and managed solely by the corporations, remains critical to being native in Alaska in terms of both use (subsistence) and kinship, or being part of a social, village-based web of relations.

In summary, while the tribal status of Alaska Native communities seems firm, the nature and scope of tribal sovereign powers is neither clear nor necessarily stable. Most recently, one of Alaska's federal legislators suggested the "regionalization" of funding streams through which tribes in Alaska apply for grants to support integral programs such as tribal courts and housing. In this case, regionalization appears as a way to refocus attention toward established regional structures and away from local tribal sovereignty, which, according to the *Anchorage Daily News*, the senator claimed was a threat to state authority and its financial stability: "The road they're on now is the road to the destruction of statehood" (*Anchorage Daily News*, October 9, 2003, p.1).

Since *Venetie*, tribes in Alaska are "sovereigns without territorial reach"; they have jurisdiction over their own members but not over the territory they occupy and use. This is a unique situation within federal Indian law, resulting primarily from ANCSA. While Indian law is a common site where native and non-native identities are constructed in the settler colony that is the United States, regimes of Indian law take different trajectories based on the different histories of particular places, each with significant impact for indigenous peoples and communities.

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CHAPTER 14 Federal Indian Policy and Anthropology

George Pierre Castile

In this chapter it is my intention to briefly survey the major shifts in federal Indian policy with an eye to appraising the role of anthropology in shaping them. Anthropologists as intellectuals (in Antonio Gramsci's sense of the term; see Gramsci, 1971: 3–23) are purveyors of ideas but they compete in the policy marketplace with a wide range of other intellectuals with other visions (Castile, 1992). American anthropologists did not enter the market with their wares until the 1870s, if we accept Lewis Henry Morgan as the ur-anthropologist, by which time the essential and hegemonic core of thought about Indians and their place in American society was already well established. Although anthropology grew up focused on the study of the Indian, Indian policy did not grow up focused on anthropology.

CONQUEST AND REMOVAL

Indians are only one among many ethnic elements that make up the national mosaic of the U.S., and to a considerable extent ideas about Indians have always been a subset of the more general prevailing thought about the “other.” The concepts which initially formed the core of U.S. ethnic policy were off the European ideological rack, not specifically tailored to the Indian. These had developed primarily in the opposition between Christendom and non-Christians – Jews and Muslims. These underlay the “rights” of conquest and discovery asserted by the Europeans over the newly found Indians and their lands. The charter granted to Walter Raleigh, for example, empowered him “to discover and take possession of such remote heathen, and barbarous lands, as were not actually possessed by any Christian prince or people”(Williams, 1990: 314).

The discourse of conquest, the justification of displacing the Indians, recognized that the Indian lands were occupied but asserted they were “empty” in several senses – empty of Christians, empty of civilized states, and empty of productive agricultural

users of the land (Flanagan, 2000: 56). The filling of these voids was the basic justification of conquest, since, beneficial to all parties, heathens would become Christians, European states would incorporate and civilize the uncivilized, and the colonized wastelands would produce a bounty for all. Intellectuals like John Locke and Emer de Vattel systematized these ideas as “natural law.” On this basis early policy-makers like John Winthrop, first governor of Massachusetts colony, were able to declare of Indian lands: “If we leave them sufficient for their use we may lawfully take the rest, there being more than enough for them and us” (quoted in Prucha, 1962: 240).

Indians in America, however, came in time to be regarded as a special sort of heathen, savages by nature, and thus less susceptible than others to the benefits of civilization. American racial scientists, such as physician Josiah Nott, argued: “The Indian is by nature a savage, and a beast of the forest and, like the Buffalo, can exist in no other state, and is exterminated by the approach of civilization” (quoted in Faust, 1981: 235). This conviction rationalized the continued displacement and removal of the uncivilizable Indian peoples from useful land. The process was made sweeping and complete in the Indian Removal Act of 1830 (Prucha, 2000: 52). Anthropology did not exist as a discipline in this eliminationist policy period.

ASSIMILATION AND ANTHROPOLOGY

It is not until the civil war era that there can be seen something describable as anthropological ideas – which is the point at which policy aimed at removal had come to its limits. Indians were surrounded on reservations with nowhere to remove them further. Post-civil war, both blacks and Indians, who had by nature been condemned to slavery and extinction respectively, were now discovered to be capable of civilization after all. The new federal policy that emerges is assimilation – Indians are to cease to be Indians and be absorbed into the larger society, having become civilized, Christian, and agricultural as promised in the original discourse of conquest.

Speaking of the Christian reformers who promoted this policy, Prucha observes: “The doctrine of the brotherhood of man was a cardinal principle of the reformers, who wanted to erase all lines of distinction that marked the Indians off from the rest of the nation” (Prucha, 1976: 151). These ideas of universal equality were also Enlightenment notions embedded in the founding documents of Declaration and Constitution, but which had gone into a state of racist suspension as applied to blacks and Indians. During and after the Civil War these ideas reasserted themselves in the hands of the abolitionist movement, who subsequently turned them to the cause of the Indian. Now, Hoxie observes, “The nation would make Native Americans the same offer it extended to other groups: membership in society in exchange for adapting to existing cultural standards” (1984: 34).

The first contribution of anthropology to all this was systematic ethnography, traditionally attributed to Lewis Henry Morgan, although a case can be made for earlier ethnographers like Henry Rowe Schoolcraft (Bieder, 1986). Ethnography constituted an attempt to capture and salvage the dying words of a culture. “The ethnic life of the Indian tribes is declining under the influence of American civilization, their arts and languages are disappearing” (Morgan, 1851: ix). Ethnography

was also a means to ease the task of civilizing the savages – by understanding the nature of the savage. “To encourage a kinder feeling toward the Indian, founded upon a truer knowledge of civil and domestic institutions, and of his capabilities for future elevation, is the motive in which this work originated” (Morgan, 1851: ix).

Morgan is also associated with introducing the idea of social evolution, but this concept predates him and had a wide range of purveyors, such as Herbert Spencer, whose influence on social policy was much greater than Morgan’s (Trigger, 1998). Morgan’s contribution to this stream of thought was a detailed scheme of “ethnical periods,” each of which he characterized by a specific mix of integrated social, political, and economic traits (Morgan, 1877). The problem with Morgan’s scheme as the potential theoretical basis of Indian policy was that it was unilinear and offered no hope of skipping stages, as made clear in his letter to Rutherford B. Hayes: “We wonder why the Indian cannot civilize, but how could they, any more than our own remote ancestors, jump ethnical periods” (quoted in Resek, 1960: 156).

Although the idea of a progressive evolution of the savages to civilization was compatible with the emerging Indian assimilationist movement, Morgan’s lockstep gradualist version was not. Prucha notes:

Their goal was to speed up the process by educational and other civilizing programs – to accomplish in one generation what nature alone had taken eons to effect. . . . In so doing, they paid little heed to the scientific elaboration of the theory of stages of society, as it was refined and amplified by Lewis Henry Morgan. . . . The humanitarians quietly ignored him as they set about to revolutionize the status of Indians in America without regard for ‘ethnical periods’. (Prucha, 1962: 156–157)

The centerpiece of their effort, the Dawes or General Allotment Act of 1887, proposed, through the mechanisms of education and private property, to turn Indians directly into small-scale farmers not very different from their Anglo neighbors.

Although Morgan, like the reformers, thought property relations and mode of subsistence were critical in social evolution, his prescription for the Indians was that they first be provided with cattle and encouraged to become pastoralists rather than farmers. “In relative progress they are now precisely where our own barbarous ancestors were when, by the domestication of animals, they passed from a similar into a higher condition of barbarism, though two ethnical periods below civilization” (1878: 332). He predicted that they would “raise cattle in the millions on the Great Plains as buffaloes have raised themselves in millions on the same plains,” and in good time would progress to farming (1878: 333).

Morgan published some of his Indian ideas in the popular journal *The Nation*, at about the same time he wrote President Hayes, presumably in an attempt to influence policy (1876a, 1876b, 1878). He had, in 1862, written a letter to President Lincoln primarily concerned with corruption and maladministration in the Indian service but also briefly setting out his gradualist pastoral scheme (Kosok, 1951: 39). Morgan also had sought unsuccessfully to become Indian commissioner in the Lincoln administration (Resek, 1960: 83). There is no historical indication that Morgan’s pastoral plans had any influence on policy in any administration.

Morgan’s view of things was influential in one federal agency, the Bureau of American Ethnology (BAE), created by Congress in 1879 to inform Indian policy

and headed by John Wesley Powell. Powell was an enthusiastic fan of Morgan's *Ancient Society* (1877) and on that basis advised Congress: "The attempt to transform a savage into a civilized man by a law, a policy, an administration, or a great conversion . . . in a few months or a few years, is an impossibility clearly appreciated by scientific ethnologists who understand the institutions and social conditions of the Indians" (quoted in Hinsley, 1981: 150). Powell pursued Morgan's notions that all aspects of a society were interconnected, so to understand anything one must understand everything. "The aim of the early bureau was utterly definitive, complete knowledge" (Hinsley, 1979: 22). The result of the pursuit of encyclopedic knowledge was that "for two decades his bureau never fulfilled the ostensible policy functions. . . . Congress received little enlightenment for immediate policy decisions" (1979: 15).

Although Morgan's career is traditionally considered the starting point of anthropology it is not until Franz Boas began teaching at Columbia University in 1896 that the university-based American anthropologist emerges. Like Morgan, Boas was mostly self-taught in ethnology, having been trained in physics and geography, but he and his students established the departments in which anthropology subsequently grew as a discipline (Cole, 1999). Theoretically he rejected Morgan's evolutionary stages and all other generalized schemes. In his rejection of generalization, Resek suggests, "Boas transformed anthropology from a study of man and society into the investigation of specific men living in particular cultures" (1960: 157). Boas came to dominate the BAE after Powell, but like Powell he continued to focus on collecting raw data and offered no policy guidance (Darnell, 1998).

Boas told Commissioner of Indian Affairs John Collier of an interview he had with Indian Commissioner Carl Schurz in the 1880s in which Boas spoke against the attempts to divide land in severalty, central to the assimilation policy, but "Boas went away frustrated, and across the next 50 years witnessed the loss of 90,000,000 of the best Indian acres to whites through land 'individualization'" (Collier, 1949: 24). However frustrated he may have been, he made no visible attempt in those 50 years to affect the policy. In the end he appeared to believe, no less than the Christian assimilationists, in the inevitability of the collapse of Indian societies. Stocking notes: "Boas never abandoned entirely a 19th-century liberal belief in a singular human progress in 'civilization'" (1979: 45).

Late in his career Boas was something of a social activist, arguing unsuccessfully against the eugenics ideas that came to dominate U.S. immigration and racial policy (Hyatt, 1990). Boas took little interest, however, in Indian affairs, although he did make some attempt to "explain the economic functions of the potlatch to Canadian authorities who sought to stamp it out" (Lurie, 1988: 551). Hertzberg notes: "Boas' indifference to Indian causes stemmed from several sources, among them his devotion to scientific objectivity and his passion for recording data on 'primitive' cultures – including Indian tribal groups – before they disappeared. Boas' interest in Indian life thus lay in those aspects least affected by modern society" (1971: 305).

The first generation of Boas-trained students (Alfred L. Kroeber, Robert Lowie, Margaret Mead, et al.) inherited and perpetuated his approaches. Spicer notes: "their interest was so directed toward the reconstruction of dead cultures, as in Lowie's intensive studies of Crow Indian culture of the buffalo period, that they very rarely described what was before them" (1968: 21). Leslie Spier, the editor of the *American*

Anthropologist in 1936, felt compelled to ask the membership whether he should accept, as anthropology, papers on “the culture of natives who participate in civilized life” (in Spicer, 1968: 22). The 1930s was a period of significant change in Indian affairs, largely unnoted by these students.

Margaret Mead’s *The Changing Culture of an Indian Tribe* (1932) is an apparent exception, but the book is largely a lament for the decline of the primitive community and an assertion of the impossibility of doing proper ethnography in such circumstances. “It is possible only to record the fortuitousness of the process by which the primitive culture breaks down and the individual member of the primitive society is left floundering in a heterogeneous welter of meaningless, uncoordinated and disintegrating institutions” (Mead, 1932: 222). The contact situation is beyond understanding. “[T]he process of cultural disintegration in which the inevitable progress of the more complex culture gradually breaks down the native culture is as meaningless, as random, as is the collapse of a house before a wrecking machine” (1932: 222). Lurie notes that through the 1930s, like Mead, “in general, anthropologists appear to have accepted the Indian’s misfortunes as the working of providence rather than the result of calculated policy they could question and oppose as scholars and scientists” (Lurie, 1988: 549).

THE INDIAN NEW DEAL AND ANTHROPOLOGY

By the 1920s there was emerging a new sort of Indian policy, at variance with the assumed inexorable march of assimilation and civilization. Boas was opposed to the agents of this change, who were led by activist John Collier. Hertzberg notes: “Ironically, in 1933 Boas opposed the appointment of John Collier as Indian Commissioner, declaring that Collier’s ideas were impractical and idealistic” (1971: 305). Stocking suggests that Boas was not “ever much involved in the problems of American Indians – though he was quite active privately in opposing John Collier’s appointment as Indian commissioner, regarding him as an ‘agitator’ who would ‘make more acute the difficulties of the Indians which are inherent in their economic relations to their White neighbors’” (1979: 45).

Still more ironically, Marden has observed: “By and large, anthropologists remained without influence [in Indian policy] until Collier assumed office” (1972: 23). Histories of federal Indian policy tend to first mention the contribution of anthropology and anthropologists in the context of John Collier and his Indian New Deal (Prucha, 1984; Tyler, 1973). Similarly, historical treatments of applied anthropology also often mark the beginnings of that specialty in the Collier era (Partridge and Eddy, 1987; Van Willigen, 1986). This tends to suggest that anthropologists were not influential in shaping policy before this, which is true, but also suggests that they were successful at this time – which is less true.

Anthropological ideas by the 1930s were changing and becoming more complex and generating new schools, principally functionalism and culture and personality studies. These were, however, not the source of the ideas underlying the Collierian shift from assimilation to a new policy of revitalizing and perpetuating the Indian communities. His Indian New Deal themes of building “community” and economic viability for the reservation peoples were partly derived from his earlier settlement

house social work career and from a sort of romantic cooperative socialism (Kelly, 1983; Philp, 1977). Collier observed: “the principle of community not merely is deathless in the human spirit, but also is all but omnipotent...” (Collier, 1963: 120).

Collier recalled: “By 1924, the program for what was to become the Indian New Deal was rather thoroughly formulated” and “by March of 1933, when President Roosevelt took office, the basic, and in large measure the detailed, changeover needed in Indian administration had been spelled out and agreed upon by the Indians and their friends” (1963: 216, 164). Collier did not invite anthropologists to comment on the legislative centerpiece, the Indian Reorganization Act (IRA), until 1933 and “comments and suggestions from the anthropologists did not have a discernible effect on the draft of the IRA” (Kelly, 1980: 7). The IRA synthesis, according to Collier, took shape from his own experience. “These policies, all formulated in general terms in the years preceding 1933, were derived from some knowledge of anthropology, a rather wide knowledge of colonial administration, and a knowledge of the Indian affairs history of the hemisphere from the time of Las Casas [the 16th-century Spanish critic of the Conquest] onward” (1963: 172).

Anthropology gets some credit in this statement, but his definition of anthropology is wide-ranging, as when he describes Interior Department lawyer Felix Cohen as “[p]hilosopher, lawyer, anthropologist” (1963: 172). In fact, he flatly says of actual professional anthropologists, “I set it down that the purposes of the Indian New Deal were not supplied by anthropologists. Nor could they be supplied by anthropologists of the 1920 decade” (1963: 217). Historians of applied anthropology tend to share this appraisal. “[M]ost anthropologists at the time were ill prepared to be of much service to either Indians or to government” (Partridge and Eddy, 1987: 26).

Collier did, nonetheless, attempt to get anthropologists involved in the process of interpreting and adapting the IRA. A number of anthropologists were employed by the BIA “Unit of Applied Anthropology,” headed by anthropologist H. Scudder Mekeel, which operated from 1936 to 1938 (Taylor, 1980: 37). The BIA instruction to these field workers said: “The most important task of the Applied Anthropology Unit is to study the contemporary social organization of each group organizing so that the constitution drawn up will be based on the actual social life of the group” (quoted in McNickle, 1979: 53). Mekeel was later critical of the results, writing: “most of the constitutions do not reflect the actual social and economic structure of the group organized. This was pointed out by the Applied Anthropology staff, but little could be done once the Reorganization machinery had been set in motion” (Mekeel, 1944: 214).

Mekeel himself may have still been in traditional anthropological pursuit of the primitive, rather than the “actual social and economic structure.” Biolsi suggests Mekeel attempted to organize the Lakota IRA government to recreate his own vision of traditional band organization: “other units of organization – those being demanded by many Lakotas, for instance – represented inappropriate forms resulting from the effects of reservation life and the breakdown of aboriginal life” (1997: 149). Gordon MacGregor, also involved with the Lakota reorganization, similarly notes that his fellow anthropologists “were more interested in the still functioning Indian patterns of leadership and social structure than in the new patterns and trends of

social groupings that were developing under reservation conditions” (Kennard and MacGregor, 1953: 833).

There was a second effort in 1941 to involve anthropologists through the “Committee on Human Development” at the University of Chicago, led by Laura Thompson (Collier, 1963: 221). This was aimed primarily at examining questions of personality and enculturation and was limited to only six reservation groups (McNickle, 1979: 58). Although this BIA-supported effort was to eventually produce five anthropological monographs it had little practical impact on the actual work of the BIA. Philleo Nash recalled: “I have searched in vain for any specific results or changes in decisions which were made because of these studies” (1973: 27). Kelly observes: “None of the projects . . . resulted in providing administrators with the kind of information they wanted when they wanted it” (1980: 22).

These efforts did not last long and “most Bureau employees remained unaware of the project and its findings” (McNickle, 1979: 59). Even with more time their potential for influence is doubtful given the reputation of anthropology in the BIA. Kelly notes “the disdain which some administrators held for anthropologists” (Kelly, 1980: 22). Felix Cohen, who worked closely with the BIA on drafting tribal constitutions, wrote: “The word anthropology is a red flag to the regular Indian Service Administrator. To him, it generally connotes a breed of people that look upon Indians as museum exhibits to be measured and cataloged, rather than as human beings faced with the universal human problems of earning a living, keeping healthy, raising a family, getting along with neighbors, and enjoying life” (1937: 171). Cohen did, however, offer hope: “a number of American anthropologists have finally repudiated the traditional assumption that anthropology can only be studied in the purity of the past and that things modern are not anthropological” (1937: 171).

Whatever limited use the anthropologists may have been to Collier, “[t]he researches, as applied social science, were ‘stopped dead in their tracks’” by the ending of Collier’s administration in 1945 (Collier, 1963: 225). The New Deal, in general, was a policy aimed at remedying the temporary economic and social crisis of the Depression and encouraged social innovation to that end. Collier’s Indian New Deal, with its themes of restoring community as well as economic prosperity to the reservations, briefly flourished in that atmosphere but increasingly became inconsistent with the national post-Depression return to normal. By the end of World War II, according to McNickle, “the Bureau was in shambles”, Collier was out as Commissioner and so were his policies (1979: 60).

TERMINATION AND ANTHROPOLOGY

In the post-war era there was a return to the assimilationist approach to Indian affairs under the new label of “termination” (Fixico, 1986; Philp, 1999). Congress in 1953 declared in House Concurrent Resolution 108 its intent to eliminate the BIA and “to make the Indians . . . subject to the same laws and entitled to the same privileges as are applicable to other citizens . . . and end their status as wards of the United States” (Prucha, 2000: 234). This policy regression was a reflection of post-war reductions in many areas of government, reinforced with ideas about ethnic and racial equality,

emerging from the civil rights struggle against black segregation. Many, including President Harry Truman, equated the reservation system with the now increasingly discredited system of segregation and sought to eliminate both (Castile, 1998: xxii).

Of the anthropological role Vine Deloria has suggested that “when the Senate was pushing for the termination of all Indian rights, not one single scholar, anthropologist, sociologist, historian or economist came forward to support the tribes against the detrimental policy” (Deloria, 1969: 98). Lurie notes in response that “[a]s a matter of record, individual anthropologists had opposed termination strenuously in regard to particular tribes with which they were familiar” (Lurie, 1988: 552). But there were also anthropologists who were actively involved as supporters of the termination policy. “Two former WRA [War Relocation Authority, which administered Japanese-American internment] applied anthropologists played key roles in laying out the theoretical justification for [Commissioner of Indian Affairs] Meyer’s termination policy” (Drinnon, 1987: 316). Dillon Meyer, Indian Commissioner at the height of termination, had worked in the War Relocation Authority with anthropologists John Provinse and John Embree.

John Provinse served as assistant commissioner from 1946 to 1952 and had an active role in carrying out the opening phases of termination (Spicer, 1966). Provinse was the first anthropologist to have a role high enough in Indian administration to have some voice in articulating, if not forming, policy. He drafted the official Interior Department statement in 1947 declaring: “The policy of the Department of the Interior in the discharge of its responsibility for the administration of Indian affairs . . . is one of liquidation of the Bureau of Indian Affairs” (in Prucha, 1984: 1027). It was commonly understood that abolition of the BIA was tantamount to abolition of reservations and the protected legal status of Indian tribes and individuals. Acting commissioner William Zimmerman’s plans for a phased elimination of the reservations were rationalized and presented by Provinse in a paper to a National Conference on Social Work, “The Withdrawal of Supervision of the American Indian.” Zimmerman included this statement with his endorsement in his testimony before Congress (Prucha, 1984: 1027).

John Embree wrote in favor of the policy in the new journal of the Society for Applied Anthropology, *Human Organization* (Embree, 1949a, 1949b). Embree likened the reservations to colonialism in the Philippines and to U.S. Japanese relocation camps and suggested they should be de-colonized through termination (Embree, 1949a: 12–13). He thought that anthropologists would oppose the termination policy for selfish reasons: “the anthropologist . . . fears the loss of his Indians (How can we do field work if Indian reservations disappear?)” (Embree, 1949a: 12; footnote omitted). Loss of reservation status would, in the end, be beneficial to the Indians, if not the anthropologists. “[A] small group with some economic security and internal self determination is much more likely to maintain its cultural values than is a group, which is impoverished on a poor reservation and which has little to say about the management of its own affairs” (Embree, 1949a: 14). The editor of *Human Organization* seemed to endorse Embree’s views in a note accompanying the article: “[F]rom the long range point of view of the Indians, the achievement of freedom and equality with the rest of us would be no inconsiderable item to enter into the ledger” (quoted in Embree, 1949a: 11).

John Collier, by then out of office, offered a heated rejoinder to Embree's article and accused Embree of "unwittingly" supporting the ongoing efforts at termination (Collier, 1949: 24). Embree was, it seems, entirely witting, and his response to Collier only reinforced his previous views and went further, comparing the reservations to segregation and lumping them together as "racist" (Embree, 1949b: 26). Acknowledging that the termination process might lead to loss of Indian lands, he reasoned "there are many factors in modern society which make it a serious social handicap to be land bound" (Embree, 1949b: 26). No anthropologists joined Collier in his rejoinder and it does not seem to have stirred any further debate in the disciplinary literature.

By the 1950s some anthropologists had begun to make serious efforts to study "acculturation" among Native American peoples, making ethnohistorical examinations of their reservation adjustments and experiences rather than simply attempting to salvage their primal past. This trend emerged just as termination became policy, but seems to have had little connection with it or impact on it; the studies still lacked any sort of policy focus. A good example is Edward H. Spicer's collection, *Perspectives in American Indian Culture Change* (1961), which examines six Native American groups. Four of the six essays do make some attempt at examining the impact of past federal Indian policy on the reservation peoples. None, however, mention the debate over termination going on even as they were written, except for Edward P. Dozier who noted that "[f]ederal Indian policies appear again to have changed since 1950; these more recent changes are not considered in this paper" (1961: 168).

Just as federal policy-makers were becoming assimilationists again, anthropologists were beginning to become dubious about its inevitability. The American Anthropological Association brought together in 1954 a group to "examine the basic assumptions underlying our national approach to the Indian problem." But there was no intention to take a policy stand, and the explicit "purpose was not to evaluate administrative policies and practices" (*American Anthropologist*, 1954: 387). It was John Provinse who summarized the consensus: "[T]he conference agreed that despite external pressures, and internal change, most of the identifiable Indian groups residing on reservations . . . will continue indefinitely as distinct social units" (Provinse et al., 1954: 389). Doubting assimilation as either an inevitable or a sound policy, the conferees did accept the inevitability of transferring federal functions to states and to the Indians themselves, but do not mention the termination policy *per se* (Provinse et al., 1954: 392).

Part of the terminationist push for winding down the federal role in Indian affairs included the passage of the Indian Claims Commission Act of 1946. A considerable number of anthropologists in the 1950s had a role as expert witnesses in support of tribal claims to compensation for land losses, authorized under this legislation. The expertise delivered was, as it had always been, in regard to how things had been with the Native peoples before "contact," rather than how they were at present or might become. Anthropologists were called to testify as to what lands had been occupied by what group and to what use they had put the claimed lands, and whether the claimants were the legitimate descendants of the original owners (Stewart, 1973; Dobyns, 1987; see chapters 16, 23).

SELF-DETERMINATION AND ANTHROPOLOGY

Termination remained federal policy until well into the 1960s when it gradually transformed into a new commitment to the permanence of the federal-Indian relation, under the label of Indian Self-Determination (see Castile, 1998; Cobb, 1998). First enunciated as federal policy by Lyndon Johnson in 1968, this new direction did not become embedded in law until the 1975 Indian Self-Determination and Educational Assistance Act (Prucha, 2000: 275). Like other policies, it was a reflection of larger social currents, notably the War on Poverty and the then triumphant Civil Rights movement. By the 1960s the Civil Rights movement had discredited the idea of public policies eliminating or terminating the existence of any ethnic group. Some form of pluralism, rather than Anglo conformity or assimilation, was emerging as the new hegemonic political model of ethnic relations.

By the 1960s neither Indians nor policy-makers much cared for the termination policy, but there seemed to be no clear alternative to propose except the status quo, which was unsatisfactory as well. A new direction emerged from the success on the reservations of the Community Action programs (CAP) of the Office of Economic Opportunity (OEO), core of the Johnson War on Poverty (Castile, 1998: 41; Cobb, 1998: 72). The CAP procedure of grants and contracts to communities of the poor, to solve their own problems, was not designed with the reservations in mind but had a great impact when applied there. Alfonso Ortiz notes of Pueblo reaction: "They were astounded that they could bypass the Indian agency and the area office and go directly to Washington" (Ortiz, 1986: 220). McNickle observed of the OEO: "transferal of authority and responsibility for decision making to the local community was an administrative feat which the Bureau of Indian Affairs, after more than one hundred years of stewardship, never managed to carry out" (1973: 119).

This War on Poverty was not designed by anthropologists, nor based on their ideas. Nor did anthropologists run the programs. The great virtue of the Community Action programs on the reservations was precisely that they were run by the Indian people themselves. Applied anthropology, however, by the 1960s was maturing as a field, and there were a great many individual anthropologists in a variety of advising and evaluating roles who were consulted by the OEO, especially the Research and Development offices, for which the author worked. Anthropologists were more useful now since they were no longer wedded to the salvaging of primal bits of supposedly pristine culture from inexorable assimilation. Instead, in Spicer's phrase, they were increasingly concerned with understanding the "persistence of peoples," including the reservation peoples (Spicer, 1971; Castile, 1981).

The Community Action program was popular among the Indian leadership, and this popularity was the key to the adoption of OEO procedures of self-administration as a model for Indian programs in general. "The Indians liked the whole idea and said so. [Secretary of the Interior Stewart] Udall and the Bureau thought they had finally found an answer to their problems and said so" (Castile, 1998: 177). Two anthropologists acted as important vectors in turning the experience of the Community Action programs into a new Indian policy. Philleo Nash was BIA Commissioner from 1961 to 1966, and actively encouraged the participation of the tribes in the CAP.

James Officer was Associate Commissioner in 1962–67 and Assistant to the Secretary in 1967–68. As a friend and adviser to Secretary Stewart Udall, he explained the favorable impact and positive possibilities of these programs to him, and Udall in turn conveyed them to the White House (Castile, 1998: 51).

Philleo Nash was something of a closet anthropologist: “An anthropologist by training, he was a politician by inclination” (Szasz, 1979: 313). He was appointed Commissioner on the basis of his experience as a Democratic political operative, with a considerable background in civil rights, not as an anthropologist *per se*. Officer got his job because he was an Arizona friend and long-time active political supporter of Secretary Udall (Officer, 1984). Nash has observed: “[N]o one ever asked me to work because I was a member of the same profession as Margaret Mead,” and of his confirmation hearings he recalled: “My background in anthropology was not ignored but it was not treated as important” (1986: 199, 196). As Nash explained it, “[t]he U.S. Congress, which ha[d] been given exclusive jurisdiction over Indian affairs by the Constitution, had no interest in anthropology and its application when I was Commissioner. If anything, its members who served on committees active in Indian affairs, viewed anthropologists as persons who stood in the way of incorporating Indians into the mainstream” (1986: 195). For these and other reasons, Nash decided not to create his own unit of anthropology in the Collier fashion: “[M]y administration of the BIA, even though it was headed by two anthropologists, did little to advance the role of anthropology in government, we kept too low a profile” (1986: 198).

In this period, when Nash and Officer were stealth anthropologists, others continued their role as experts on how things had supposedly been aboriginally with the Indian. In addition to supporting Indian land claims, anthropologists testified as experts in a variety of new contexts, notably in support of Indian claims to fishing and hunting rights. In cases of federal “recognition,” anthropologists were called to testify as to the very existence of peoples, sorting out the real Indian from the unreal (Castile, 1996; see chapter 24). It was to these roles that Vine Deloria referred in one of his few kind words about our profession: “Some immensely useful work has been done by anthropologists on behalf of American Indians” (Deloria, 1997: 210).

Representing a high point of anthropological participation in federal Indian policy-making, Nash and Officer, by encouraging Indian self-administration at all levels, helped to put responsibility for Indian affairs in Indian hands. In 1966, Udall replaced Nash with a Native American commissioner – Robert L. Bennett – making Nash not only the first but probably the last non-Indian anthropologist as Commissioner. Indian preference in hiring transformed the staff of the Indian Bureau into an Indians’ Bureau, even as the reservations themselves became increasingly self-governing. The policy-makers embraced the self-determination model partly because of the push coming directly from Indians for self-administration, heeded because of the political need “to show heart” on ethnic matters in the civil rights era (Castile, 1998).

The rise of Native American political activism and influence increasingly supplanted the anthropologists’ role as experts after the 1960s (Cornell, 1988; Nagel, 1996). At the same time, anthropologists seeking a role declined in number: “[T]here was a tendency in the discipline to view American Indian research as *passé*”; graduate students were directed to other, more exotic, locales (Lurie, 1988: 553). Indians

had by now grown their own organic intellectuals to supply expertise on things Indian, cutting out the anthropological middleman (Medicine, 1998). Indian organizations like the National Congress of American Indians and national-level Indian spokespersons, such as La Donna Harris and Vine Deloria, Jr., were now regularly consulted on legislative matters by Congress and by White House staff (Castile, 1998: 111). Some of these Indian spokesmen, like Deloria, began to portray anthropologists as part of the Indian's problem rather than the solution (Deloria, 1969).

In the self-determination era a handful of anthropologists began to join historians and political scientists in explicit analysis of federal Indian policy (Bee, 1982; Castile and Bee, 1992; Officer, 1978). Others began to directly address the impact of such policy on specific reservation communities (Biolsi, 1992; Bee, 1981; Fowler, 1982; Perry, 1993). What influence such studies may have in any future policy shifts remains to be seen. The self-determination policy was the last major shift in direction for Indian affairs, endorsed by every administration from Johnson to Clinton. Self-determination is not fully implemented, as many Indian communities are still poor and disrupted, but the basic framework of the federal relation with the tribes is today that of government-to-government, together seeking Indian self-determination – with a little help from the anthropologists.

CONCLUSION

Of the overall historical influence of anthropology on federal Indian policy one might be tempted to repeat Bieder's comment on the early era: "Most probably . . . government . . . policy would have remained the same in the absence of a science of ethnology" (1986: 249). But that is not entirely true. Anthropologists have had little direct hand in the policy-making process surrounding any of the major shifts in federal Indian policy, but since the days of John Collier they have had a role in implementing and interpreting it. They also have had a role as a discipline in changing the overall social science repertoire of ideas about ethnicity and its persistence, kaleidoscope and mosaic replacing melting-pot as hegemonic metaphor. As Hoxie suggested of Morgan's day, "[t]he impact of anthropology on Indian policy making was cumulative and indirect" (1984: 28).

Why such a limited and diffuse influence for anthropology in public policy? The reasons are many and complex and much debated in the field of applied anthropology (Peacock, 1997; Weaver, 1985). Federal policy is generally a reflection of views and concerns shared widely by the American public, and anthropology has never had much of a mass following, and it often finds itself thinking against the grain of the larger American public sphere. Most peoples' ideas about Indians, including policy-makers, have come instead from the popular media (Berkhofer, 1978; Dippie, 1982). Unfortunately, anthropology's principal contribution to these popular images – unwittingly, perhaps – has been to reinforce the sense that the Indians are exotic, truly the cultural "Other." As Geertz says of our discipline, "we hawk the anomalous, peddle the strange. Merchants of astonishment" (Geertz, 1984: 275). As a result, anthropologists have perhaps seemed to policy-makers equally as exotic as the peoples whose strangeness we construct and peddle.

We have not been useless. Like the missionaries before us, we have often been (useful) “friends” to the Indian people we study. However, in the larger arena of policy-making we have seldom offered usable solutions to the practical political, economic, and social problems that energize federal Indian policy. We have given policy-makers views of how things were, occasionally how they are, but seldom how they might become. We have pointed out difficulties without suggesting answers. In the end, although we have gained much from our studies of the Native Americans, as Philleo Nash noted, “our profession has never fully met our obligation to our Indian friends” (1986: 200).

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CHAPTER **15**

Contemporary Globalization and Tribal Sovereignty

Randel D. Hanson

Globalization has become perhaps the single most used term since the 1990s, marshaled by scholars, policy-makers, politicians, and citizens across the planet in arguments that run the gamut of ideological positions. Indeed, debates surrounding the phenomenon of globalization are contentious and varied, and its meaning, cause, benefits and burdens, historical demarcations, and its relative existence, all remain hotly contested. Some understand globalization as a convenient myth cultivated by elites in (over)developed nations to justify political and economic changes that increase their ability to accumulate wealth. Others conceive globalization as a quasi-biological, evolutionary phase in global history in which “borderlessness” (as opposed to rigidly delineated nation-states) is the operative dynamic, with differing emphases on the positive and negative impacts it may bring. Along these lines, the increase in international connectedness has, according to many observers, dramatically challenged the ability of nation-states to successfully establish and carry out rules, regulations, and policies within their territories and govern accordingly. Still others view globalization as a set of rather chaotic and transformative processes across the spectrum of human (and environmental) existence in which distinctions between domestic and international affairs have been radically altered, the outcome of which in terms of governance and eventual modes of organization is quite open-ended. Undoubtedly, there are other positions. In short, the discourse surrounding globalization, seeking as it does to describe, critique, analyze, advance, and/or thwart these processes, is complex, ideologically loaded, and often deeply contradictory.

If globalization is transforming localities across the globe, albeit in uneven and diverse ways, then American Indian reservation communities themselves are also implicated in these processes. I want to suggest that it is useful to consider two of the most important and interrelated developments concerning American Indian reservation communities since the 1980s against the backdrop of globalization, namely, the expansion of the political sovereignty of these aboriginal homelands, and the increased centrality of market-based economies on reservation communities.

I argue that the long struggle for self-determination waged by American Indian communities successfully utilized the broader transformations brought about by globalization processes in the latter 20th century; and on the other hand, these legal and political rights of self-determination face new challenges within economic globalization, in which market imperatives can undermine democratic processes and broader considerations of human rights and human welfare. The combined effects of these two developments have opened up new possibilities for self-determination, yet they also contain new dangers for indigenous communities.

My reflections on these issues stem from a specific and sustained engagement over the past several years with a number of reservations: analyzing the marketing of nuclear waste by the U.S. federal government and private nuclear utility corporations to American Indian reservation communities as a means of economic development. This chapter begins with a brief review of the discourses surrounding the political sovereignty of Indian reserved lands, paying particular attention to its expansion over the latter half of the 20th century. The discourse of sovereignty is perhaps the most important political program for American Indian reservation communities, and it comprises, not coincidentally I argue, a key issue in the broader debates involving the impacts of globalization on nation-states more generally. In other words, the expansion of American Indian sovereignty over reservation lands is intimately related to globalization processes that have taken shape over the latter half of the 20th century. Political globalization has been immensely beneficial in terms of advancing sovereignty for American Indian reservation communities, providing as it did a context in which the long struggle to regain self-determination could be successfully expanded.

The second section of the chapter sketches out a key component of globalization in examining neo-liberal economic policies and programs as they have taken shape across the world since the 1980s. The structural changes entailed in global neo-liberal economic policies, advanced in particular by the U.S. and Britain, have challenged the autonomy of contemporary nations – the ability to successfully implement self-determined policies – by augmenting the power of transnational corporations and market-based imperatives more generally. Indeed, I argue that at the heart of neo-liberalism as it has been implemented lies an “economic reductionism” that seeks to place the market as the central locus of society, thus effectively truncating localized citizen power within many nation-states. As it concerns Indian nations, neo-liberalism seeks to encourage American Indian reservation communities to conceive of and treat reservation lands as market commodities, leveraging them for whatever business venture comes along. This vision of the world and corresponding program, I demonstrate, has served as the basis for U.S. federal Indian policy beginning with the Reagan administration, just as it created the context in which nuclear waste was rhetorically transformed from the nation’s supreme, irreducible environmental liability into an economic good to be offered to American Indian reservation communities as a means of economic development. For Indian nations, whose histories are embedded in centuries of colonial maldevelopment, the logics of the political economy of neo-liberalism can stand at odds with the goals of self-determination and sovereignty in surprising ways.

The final section of the chapter presents the marketing of nuclear waste to Indian communities as a case study of the potential contradictions in the shifting sovereignty under contemporary globalization and the imperatives of a neo-liberal political

economy. Acting as marketing agents, the U.S. government and nuclear utility corporations are seeking to transform a colossal (environmental) bad into an (economic) good, framing Indian acceptance of these materials onto reservation lands as an exercise of political sovereignty, an articulation of traditional Indian wisdom in making decisions which take into consideration the needs of future generations, economic liberation from a dis-possessive colonial past, and as a sign of a changed relationship between the U.S. government and Indian nations in which mutual respect is the dominant framework. These sometimes contradictory and counter-intuitive advances embodied in the marketing plan illustrate many aspects of the complex opportunities and dangers that have opened up for Indian reservation communities, embedded as they are in the shifting terrain of federal policies, a globalizing capitalism that invites their increased participation, a resurgent political sovereignty, and the historically imposed vulnerabilities that colonialism has bestowed upon them.

CONTEMPORARY GLOBALIZATION, SOVEREIGNTY AND AMERICAN INDIAN RESERVATION COMMUNITIES

Although the discourses surrounding globalization often project it as a recent development, it is clearly a phenomenon that has many arcs, and in proceeding I wish to suggest a historical demarcation. I employ the periodization established by Held et al. (1999) in the concept “contemporary globalization.” Set into motion by changes associated with World War II, this period marks a significant intensification of global interconnections in the realms of law, politics, military, environment, culture, as well as increased flows of people, information, and trade within and especially across national borders. In short, both the degree and kinds of global interactions increased in this period in nearly all realms of experience. It was in this period that the United Nations was formulated and implemented, establishing a new global infrastructure that foreshadowed international decolonization movements, civil rights movements within domestic spheres, the multiplication of nation-states within formerly colonized regions of the world, and the formation of a host of non-governmental organizations that provided voices for international actors beyond those who formally represented nation-states.

Yet, it should be noted that the most portentous articulation of globalization for American Indians commenced in the demographic, environmental, and pathogenic (Crosby, 2004 [1986]) onslaught of the Americas from Columbus’ accidental “discovery” onward, a macro-violent process that is increasingly and rightfully recognized as Holocaust (Thornton, 1987; see chapter 2); divestment of land from indigenous communities went hand in hand with this Holocaust. This process was part of a broader pattern whose characteristics are found in many parts of the world. Like other “new world” nations in North, Central, and South America, as well as Australia, New Zealand, and elsewhere, the United States is a settler society, “in which Europeans have settled, where their descendants have remained politically dominant over indigenous peoples, and where a heterogeneous society has developed in class, ethnic and racial terms” (Stasiulis and Yuval-Davis, 1995: 3). Though diverse in period and modes of settlement, degree of autonomy from metropolises, settler-

indigenous interaction, demographic make-up, and contemporary political, social, and economic character, settler societies share a common legacy relating to the expansion of European capitalism and peoples which occurred across the world after 1500. For the most part (although not entirely), this globalization trajectory was unidirectional, in the sense that indigenous peoples of the Americas were the objects of European agents.

It will be fruitful to build upon our understanding of the various waves of this earlier colonizing process from within the current and emerging debates and discussions surrounding globalization (Held and McGrew, 2000). Indeed, in addition to the empirical changes associated with contemporary globalization, these transformations have also powerfully altered the consciousness of peoples across the world, opening up new ways of understanding historical experiences and hence future possibilities. A documented history of American Indian and indigenous peoples from the point of view of contemporary globalization has yet to be written; given the limited parameters of this essay, I will only briefly sketch out this perspective as a means of comparing and contrasting the specificities of contemporary globalization as they implicate American Indian reservation communities.

To begin with, from the point of view of contemporary globalization processes, it is clear that the severely truncated legal and political status of Indian communities and lands in the 19th and early half of the 20th centuries was but one passing arc in the broader historical patterns of global interactions (although what will precisely eventuate is yet to be determined). Accordingly, we might suggest three broad stages characterizing European–indigenous and U.S.–Indian relations: (1) an independent period, which began shortly after European–indigenous contact and lasted up through the first third of the 19th century and was characterized, broadly speaking, by nation-to-nation relations; (2) a national period, taking shape from ca. 1823 through the end of World War II (with an intervening reversal during the New Deal), in which the political status of Indian nations was increasingly truncated under the dominant political position of the U.S. government; and (3) a global period, emerging after World War II and continuing to unfold today, during which time the ability of the U.S. government to consider American Indians a “domestic issue” came to be significantly though not (yet) entirely eroded, and during which American Indians and Indian nations began to increasingly seek redress for their moral, legal, and political grievances within international forums. I suggest these demarcations as a way to highlight the synergetic shifts as they concern sovereignty for Indian nations as well as nation-states more generally within contemporary globalization. In doing so, I recognize that I run the risk of over-generalization (i.e., the mid-19th-century “Civilization Policy” certainly stands in stark contrast to the policies of the “Indian New Deal”); nonetheless, I trust that these demarcations are both illustrative of the issues I am exploring here and will usefully spark further discussions. At any rate, before I turn to a longer discussion of “contemporary globalization,” I will briefly sketch out the dominant strains of the two earlier periods.

From initial contact between European peoples and indigenous nations through the first quarter of the 19th century, Indian nations were treated as sovereign entities by European nations and the fledgling United States (Deloria and Lytle, 1983; see chapter 12). During this period, European nations operated with loose frontiers,

particularly in their colonial expansions. While the legal structures and debates about the status of American Indian peoples and lands were established and carried out within a European context, and European colonization of the Americas was based centrally on force, European powers typically established formal treaties with the indigenous peoples they encountered in their process of colonization. These treaties and the treaty-making process in general both explicitly and implicitly recognized Indian nations as sovereign entities under an emerging Eurocentric international law, and formal diplomatic status was conferred upon indigenous nations making these treaties. Treaties were sought for two main reasons: first, most of the early colonies were small and militarily weak, and to engage in large-scale war with powerful Indian tribes would have been exceedingly dangerous for their survival; a second reason revolved around making sure colonial claims to lands were legal under the emerging field of international law and hence not challenged by other rival powers.

Historians point to the emergence of the modern nation-state in the early 19th century, characterized by (among other attributes) increasing rigidity in territorial delineation and a corresponding demand for absolute sovereignty, authority, and autonomy within their boundaries (Held et al., 1999: 29). As it concerned U.S.–Indian relations, new legal and political actions began to take shape from ca. 1823 through the end of World War II (and continuing in fits and starts up through the present), in which the political status of Indian nations was increasingly truncated under the dominant political position of the U.S. government. As one scholar frames it, in this early stage of U.S. nation-building, “the formidable cognitive and emotional task for white Americans was to (re)create oneself as and occupy the category ‘American,’ though fully ‘foreign’ oneself” (Borneman, 1995: 665). For Euro-Americans, then, becoming “native” to North America was accomplished by alienating indigenous peoples in two ways: removal of Indian communities from coveted lands; and seeking to break the bonds of tribal cohesion. Put differently, the process entailed “nationalizing” indigenous peoples. To facilitate this nationalization, early in the 19th century the U.S. government invented two interrelated key legal-political concepts that would powerfully structure American Indian communities, namely, the wardship doctrine and the “domestic, dependent” political status of Indian nations. At the risk of oversimplifying concepts that are immensely complicated and often applied in contradictory ways, I will sketch out definitions as a way of understanding the nature of their nationalizing character.

The politico-legal nationalization of American Indian communities and lands grew out of a series of opinions articulated by Supreme Court Justice John Marshall in the early 19th century (Deloria and Lytle, 1983). In 1823, Marshall’s official opinion in the case of *Johnson v. McIntosh* asserted that, while Indian peoples had title over their lands in North America, the U.S., by virtue of its inheritance of the rights of discovery, had the exclusive right to extinguish native title. This opinion had the effect of transforming within this legal-political realm Indian title from a vested right to one merely of tenancy. This understanding gained a more formal articulation several years later in the interrelated cases of *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832). In the former opinion, the wardship doctrine was conceived, effectively recasting the U.S. government as the “guardians” of both American Indians and American Indian lands and indicating that American Indian peoples were wards of the U.S. government and that their best interest would be held

in trust by it. This doctrine would prove immensely flexible in the U.S. governmental manipulation of Indian lands and resources as well as their governance. At the same time, wardship has evolved into a more modern – if no less checkered – doctrine of trust and has come to represent an important moral and fiduciary responsibility that the U.S. government holds in relation to Indian communities, understood in this context as assisting Indian communities in their health, education, and general welfare. As Vine Deloria points out, “today the Trust Doctrine has been cited as the basis for providing a wide variety of social services to Indians, and is also cited as the excuse for high-handed bureaucratic manipulations of reservation resources” (Deloria, 1992: 273).

The second key legal-political concept invented as a way of nationalizing American Indian lands and peoples, the “domestic, dependent” status, was also formulated in the *Cherokee Nation v. Georgia* and *Worcester v. Georgia* cases. Here Justice Marshall reclassified Indian nations as entities that possessed certain aspects of sovereignty but were nonetheless beholden to the superior position of the U.S. federal government. In other words, Indian nations were to be seen neither in the same category as foreign nations nor as states as conceived in the constitution. Thus, the U.S. arrogated a “guardianship role” over Indian lands and peoples, while acknowledging that their communities “did constitute legitimate legal and political entities that could manage their own affairs, govern themselves internally, and engage in legal and political relations with the federal government and its subdivisions” (Deloria and Lytle, 1983: 4).

Taken together, these legal opinions would be deployed in all sorts of contexts to severely limit the self-determination of Indian nations for a century and a half (and indeed, continuing in many contexts into the present; see chapter 12). Treaty-making with Indian nations ceased as of 1871, and existing treaties, including their recognition of nation-to-nation status between the U.S. and tribes, were substantially ignored. The dominant narrative toward indigenous people during this period from the early 19th century through the mid-20th century shifted, from conceiving of them as a threat to the fledgling nation, to increasingly projecting the image of a “vanishing people,” whose lands, culture, and distinct physical existence would give way to the broader Euro-American “melting-pot.” (The New Deal period was, again, an intervening exception to this trend, which in many ways laid the groundwork for the more recent “self-determination” or “sovereignty” period in the history of federal Indian policy.) As indicated earlier, seen from this vantage point, this period can also be understood as one in which Euro-American society sought to nationalize Indian lands and Indian peoples themselves, both through dispossession of lands, the formation of reservations, and various assimilationist (as well as ongoing genocidal) practices.

The latter half of the 20th century witnessed a substantive change in the ability of Indian nations to reassert sovereignty over their communities. Although an “era of self-determination” is typically understood to have begun in the 1960s, two inter-related developments in the wake of World War II would set the stage for significant changes regarding the sovereignty of American Indian reservation communities. First, an increasing internationalization of the political life of nations in general has seriously challenged the ability of the U.S. government since World War II to act upon American Indians with the assumption that they represent solely domestic

concerns. And secondly, within the context of a globalization of a wide variety of cultural, economic, and technological activities, American Indian nations have increasingly sought to re-conceptualize themselves as sovereign entities, both through pan-Indian interactions within the U.S. as well as through pan-indigenous affiliations globally. These developments have led to the practical expansion of native sovereignty within the U.S., which is to say, a re-conceptualization in imagined, legal, and political terms that Indian reservations lie outside of the jurisdiction of states even of the U.S. government. This is, of course, an incomplete and ongoing project, best understood as successful in degrees rather than in totalities.

Many scholars chart a profound shift in the character of sovereignty that nation-states were able to exercise in the wake of changes initiated by World War II, as overlapping international agreements and norms limited and/or framed in direct and indirect ways what was legal, acceptable, and moral within the domestic practices of individual nation-states (Lauren, 1996). David Held, one of many authors whose work examines economic, military, political, and legal dimensions of these changes, refers to this as the “Decline of the Nation-State” in an essay by the same title (Held, 1989). For Held, there are several important “disjunctures” by which he examines the dimensions of a growing post-war interdependence that would alter the nature of sovereignty for nation-states. To begin with, the post-war years witnessed the wide-scale emergence of economic activities whose domain increasingly encompassed multinational contexts (in which several countries may be involved). This concerned both systems of production, in which a new global division of labor became more manifest with the rapid development of multinational corporations, as well as in banking and other means of financial transactions. In particular, the establishment of the International Monetary Fund (IMF), the World Bank, and the broader innovations associated with the Bretton Woods agreements of 1944 (which established the IMF and otherwise addressed international money and finance matters) helped usher in these changes. A second area concerned the emergence of what Held terms hegemonic powers, such as the U.S. and U.S.S.R., and interrelated power blocs such as the North Atlantic Treaty Organization (NATO) and the Warsaw Pact. This “internationalization of security” worked to constrain directly and indirectly the autonomy of many nation-states. Third, Held points to the huge growth of various types of international and transnational governmental organizations in the post-war period designed to regulate transnational activities relating to trade, the oceans, space, and so on, a development which sought to respond to the increasing internationalization of the world economy. Closely related to this was a concomitant explosion in the numbers of international non-governmental organizations (NGOs) established by various political actors not directly tied to states.

Finally, Held explores the burgeoning developments in international law during this period. The combined effects marked a significant departure from the legal aspects of the maintenance of national sovereignty. Two aspects of these developments are relevant for our discussion. First, the International Tribunal at Nuremberg established to hold Nazi leaders culpable for crimes against humanity pronounced that, when the laws of nation-states violate international rules of humanitarian values, individual citizens must transgress those national laws. In short, these trials established that genocidal behavior was unacceptable to modern nations, that international standards for human rights existed and could be enforced, and that individuals

perpetrating such crimes could not use as their defense that they were following the current laws of their land and/or following the orders of military commanders.

The second aspect of the new texture of international law in the wake of World War II came in the founding of the United Nations. Indeed, “the Allies had proudly and publicly enunciated their principles against Nazism and its racial doctrines early in the war,” giving “quick expression to the relationship between domestic liberties and international peace” (Lauren, 1996: 146). Importantly, “in the charter of the new postwar international organization, the right of ‘self-determination’ was for the first time recognized not only as a right of states, but also of ‘peoples’” (Barsh, 1983: 80). This inclusion came as the result of intense lobbying efforts by a host of representatives from colonized nations, non-governmental organizations, and observers, including the Six Nations Iroquois Confederacy working through the Canadian government, African American writer W. E. B. Du Bois, and others. The founding of the UN was followed up by the Universal Declaration of Human Rights in 1947, a more nuanced discussion of these issues; and in 1950 the European Convention for the Protection of Human Rights and Fundamental Freedoms was held, which took the first steps toward establishing a means of collective enforcement of the new UN international human rights norms. The implications of these legal and political developments within international contexts would be used widely across the world in challenging the colonial practices of European and settler nations within both domestic and international forums.

It should be noted that indigenous peoples had attempted to use international organizations prior to the advent of the United Nations in pressing for redress of past injustices and for recognition of their sovereignty. Indeed, as far back as the latter 19th century, political struggles in New Zealand, Australia, and Canada led indigenous peoples to bring formal petitions to world bodies in advancing their claims against their respective national governments (Morris, 1992). After the end of World War I, this continued when Deskaheh, Chief of the Younger Bear Clan of the Cayuga Nation within Canada (itself part of the Iroquois Confederacy), pressed the League of Nations for recognition of Iroquois sovereignty and self-determination (Akwesasne Notes, 1978). In spite of these attempts by indigenous communities across the globe, given the consensus surrounding the inviolable sovereignty of nations within international forums prior to World War II, these attempts proved largely if not wholly unsuccessful.

The structural changes that I have briefly outlined emerging in the wake of World War II were strategically leveraged by indigenous peoples in demanding greater self-determination and justice for past actions by their respective settler nations. Aboriginal peoples in Australia, Maori in New Zealand, and indigenous peoples in Canada and the U.S. began as early as 1945 to raise questions regarding the applicability of the new United Nations Charter to their specific grievances. In key contexts that I will briefly explore, this move proved successful, although recasting indigenous rights within international law was also firmly resisted. In addition, in projecting their struggles into an international relations context, American Indians and indigenous peoples more generally found that their struggles were quickly swept up into the developing contradictions and complexities of Cold War politics. For example, the Soviet Union called upon the United Nations to study the conditions of American Indians in the U.S. in 1948, using the issue as a Cold War pawn. This

Cold War jousting did little to advance the interests of indigenous people, since the U.S. brushed it aside as Communist propaganda. Russel Barsh points to two considerations for why the United Nations proclamations did not apply readily to American Indians in that period. First, nations such as the Soviet Union argued for the “Blue Water Thesis” in defining indigenous applications of the new human rights language, “which defined [as] ‘colonies’ only those non-self-governing territories separated geographically from the administering state, as by an ocean.” Secondly, representatives of nation-states, who after all made up the members of the United Nations, continued to put forth “the presumption that in encircled territories all indigenous peoples inevitably will be assimilated into ‘modern society’” (Barsh, 1983: 80).

Indigenous struggles continued to be waged on an international level in the late 1950s, when the International Labor Organization (ILO) held a conference called the “Convention of Indigenous Populations of 1957.” In that conference the ILO foregrounded the distinctive land, cultures, and political traditions of indigenous peoples, although it failed to call for self-determination. With the advent of the Danish-based International Work Group on Indigenous Affairs in 1968 and the London-based Survival International in 1969, indigenous issues continued to garner international attention. These non-indigenous groups were responding in particular to the struggles of South American indigenous peoples, but they served to bring indigenous issues to international forums more broadly as well.

Participation in international forums by indigenous peoples themselves began to increase in the 1970s. For example, after intense lobbying, the National Indian Brotherhood of Canada was granted official non-governmental organization status by the UN in 1974. Additionally, the American Indian Movement (AIM) became active internationally in 1974, following the 72-day long treaty rights protest by the Lakota at Wounded Knee. In that year the International Indian Treaty Council, the diplomatic arm of AIM, was formed, quickly gaining recognition by the UN as an official non-governmental organization. Following this, the World Council of Indigenous Peoples and “other indigenous organizations entered the arena and began constructing a global network of peoples, nations, and movements designed to secure the attention of international bodies” (Morris, 1992: 76). These steps toward the formal recognition by the UN of the existence and integrity of indigenous “stateless peoples” was necessary to bring their struggles into a broader public recognition. On December 10, 1992, then-UN Secretary General Boutros Boutros-Ghali welcomed over 200 indigenous people from across the world to New York City for inaugural ceremonies and meetings to mark 1993 as the “International Year of Indigenous Peoples.” This event also marked the first time that Indian peoples of the Americas were allowed to address the United Nations. In connection with these meetings, a draft of a “Declaration on the Rights of Indigenous People” was circulated for review. This declaration was designed to accord indigenous peoples worldwide the right of self-determination pursuant to international law, extend to them the set of human rights recognized in the Charter of the United Nations and in international human rights laws, and protect them from discrimination based on their indigenous identity. Because of the ongoing resistance of the U.S. and other settler societies, however, it has not yet been adopted by the UN General Assembly (see chapter 12). Should it be adopted, the specific application of this formal recasting of indigenous

status within an international context will remain a work-in-progress within individual nations in terms of how it might be used in domestic disputes.

One can also understand specifically domestic policies of settler nations toward indigenous peoples as being shaped by the structural changes associated with contemporary globalization. For example, the new UN Charter was used to help pass the Maori Social and Economic Advancement Act of 1945 in New Zealand, creating tribal executives and committees for community governance and serving as the basis for expanding self-determination. In the U.S., the Indian Claims Commission (ICC) was established in 1946 to adjudicate the legal and moral claims that tribes held against the U.S. government for illegal seizure of their lands in the latter 18th and 19th centuries (Rosenthal, 1990). Using a highly circumscribed set of criteria, the ICC examined hundreds of claims against the U.S. government by Indian nations for illegal seizure of lands and resources over the course of U.S. history. Over the course of a 30-year lifespan of the commission, 370 petitions were filed against the U.S. government. Given the labyrinthine process of validating those claims, many were quickly rejected. Some \$800 million was eventually awarded to tribal communities whose claims met the strict criteria of the ICC. Yet given the prohibitions against any resolution involving the return of lands (exceptions to this were eventually made), key settlements – notably \$17.5 million offered to the Sioux communities for the documented illegal seizure of the Black Hills – were refused by Indian nations as inadequate outcomes, and those monies remain in escrow.

To be sure, the political motivations behind the ICC were quite varied. On the one hand, for some policy leaders they clearly represented an extension of the dispossessive relationship that had characterized U.S.–Indian relations of the past century and a half. Indeed, in certain respects, the latter 1940s and early 1950s witnessed a throwback to the harsher policies of the 19th century. Along these lines, some U.S. leaders saw the ICC as a chance to end Indian claims once and for all, a prelude to the dissolution of tribal lands and tribal cohesion generally. Coming closely on the heels of the formation of the ICC was the ominous Termination Act, designed to completely eliminate tribal lands and undermine tribalism by encouraging migration from reservations into urban centers (Fixico, 1986). A series of connected policies sought to magnify the Termination Act, including the House Concurrent Resolution 108 (in which Indian peoples were to be “freed” from federal control), Public Law 280 (arrogating reservation civil and criminal processes in several states; see chapter 12), and individual termination of several reservations, including the Menominee, the Klamath, and other tribal communities in Utah, Oregon, and California (Deloria and Lytle, 1983).

Yet on the other hand, the creation of the ICC can be understood as a response to the Nuremberg Trials, for the ongoing claims against the U.S. government by Indian nations resonated with many of the same accusations made by victims of Nazi Germany. To put it mildly, this represented an embarrassing issue for the U.S. as it assumed global leadership. As I have already explored, a central component of the founding of the United Nations rested in its declaration of the inherent rights of self-determination, and indigenous peoples across the world quickly understood this as applying to their communities. Some U.S. leaders saw the ICC as a reward for the important contributions that American Indian soldiers had made to U.S. efforts in World War II. The newly formed National Congress of American Indians (1944)

seized upon the political climate in the wake of the UN Charter to make a formal request to Congress and the Truman administration for such a forum both to hear historic claims and as a means to expand the influence of tribal peoples in forming federal Indian policy.

In sum, the global upheaval caused by World War II created a context in which the ICC could be formed out of diverse interests; and this moment provided both danger and opportunity for the goals of self-determination in American Indian reservation communities. Indeed, in spite of the contradictory interests that led to the formation of the ICC, Indian participants sought to use it strategically, framing their historic claims against the U.S. in concert with the emerging global human-rights discourse. The various conflicts and opportunities for cooperation associated with the ICC processes had the effect of creating connections between tribes in a more robust way and demonstrating the importance of pan-tribal organizing. It provided a forum in which their common histories of repression could be shared, setting the stage for greater pan-tribal communication and cooperation. The narrow parameters demanded by the ICC made tribes more aware of the importance of legal representation, something that would lead to non-Indian lawyers working with and for tribes, as well as to the education of a cadre of Indian lawyers over the next decades. This development would bear fruit in a host of later struggles by Indian communities over fishing, hunting, usufructory, and other rights determined by historic treaties. Through the national reporting of proceedings and awards of large monetary settlements, as well as the frank admission by the U.S. government of illegal actions against Indian nations, the ICC raised awareness in the general U.S. population about the specifics of ill-treatment and dispossession of American Indians and about their ongoing struggles. And in forcing tribes to gather legal evidence for their claims, it produced invaluable documented ethnohistories and connected scholars other than anthropologists to the service of Indian histories (see chapter 23). Taken together, these developments provided the basis for Indian communities to fight for their rights within the legal, political, and cultural arenas in which policies were argued over and established. In short, it set the stage for greater self-determination for Indian communities and the expansion of Indian sovereignty over tribal lands.

American Indian communities today officially retain the legal designation of domestic, dependent nations within the U.S., but I have sought to demonstrate in this section how American Indians have responded to changes in the international system in the post-World War II era to push for greater degrees of sovereignty and self-determination in their dealings with the U.S. government. These structural changes in the international order gave moral, legal, and political weight to longstanding grievances by indigenous communities against the U.S. government. The strategic leveraging of these structural changes by indigenous communities were part of a broader pattern of challenging the colonial presumptions upon which the world order had been established since 1500. Just as the U.S. Civil Rights movement drew upon broader, global post-war anti-colonial movements in India and Africa, as well as anti-Nazi sentiments in Europe during World War II, American Indians too drew upon a broader pan-indigenous struggle against various national entities in Australia and Latin America to decolonize (or de-nationalize) themselves. And this linking with global movements, of course, continues. Indeed, one can point to the Indian “repatriation movement,” culminating in the passage of the Native American

Graves Protection and Repatriation Act of 1990, mandating the return of Indian remains and grave goods from museums, universities, historical societies, and other private collectors, as well as in other ways (Miheuah, 2000; see chapters 20, 24, 27). This also linked to worldwide repatriation movements which include formerly colonized peoples getting their cultural patrimony back from European museums.

ECONOMIC GLOBALIZATION, NEO-LIBERALISM, AND AMERICAN INDIAN RESERVATION COMMUNITIES

As I have sketched out, American Indian reservation communities have successfully muscled for an expansion of the political sovereignty of tribal lands over the course of the latter 20th century, leveraging the structural changes surrounding contemporary globalization in the service of regaining self-determination over their communities. Yet this political sovereignty has not easily translated into economic viability for reservation communities. Indeed, creating self-sustaining reservation economies remains a very difficult goal given the long history of maldevelopment characteristic of Indian lands (see chapter 6). Ironically, in spite of the expanded political sovereignty over reservation lands, this difficult economic situation has grown worse for many Indian nations over the past several decades, beginning with President Reagan's election in 1980 and the ensuing cuts to social spending and continuing in somewhat different forms subsequently. The Reagan administration framed the fiduciary aspects of the federal trust responsibility toward American Indians as either a form of socialism or social welfare or both. In place of federal trust and treaty obligations that had historically funded health, education, and other infrastructural components of reservation communities, Reagan, following the emergent neo-liberal economic logics that were gaining ascendancy across the globe during this period (Overbeek, 1993), posited the "market" as the conceptual framework for the political and economic liberation of Indian nations. While relying on "the market" as a vehicle to sustain reservation economies has been successful for some tribal communities, it has also proven to be difficult for the majority of tribes to replace monies cut by the U.S. federal government since the 1980s, much less develop sustainable and/or expanding means of economic development. In the following section, I will sketch out the rise of this form of economic globalization more generally, after which I will explore how they have come to impact American Indian reservation communities. My basic point is that, given the market-centered priorities of economic globalization, they can at times raise serious contradictions relative to the goals surrounding the political self-determination of Indian communities.

Central to economic globalization is the expanding power of market forces applied to and redefining increasingly diverse arenas of social life and nature more generally across the globe. Closely connected with this invigorated power of market forces is an attack on state regulation of and involvement in economic processes. As a popular phrase has it, "big government is dead," the connotations of which typically imply that the market is the best means to solve all social problems. Stephen Gill identifies this process as the "spatial expansion and social deepening of economic liberal definitions of social purpose and possessively individualist patterns of actions and politics," which has given rise to what he terms a global "market civilization" (1995:

399). This global market civilization in turn has sought to refigure international and domestic orders in the service of a particular kind of social relations that relies heavily on unregulated, private decision-making. Critics of this process argue that it has come at the expense of broad, democratic control over public policy in a host of arenas (MacEwan, 1999). In short, the global market civilization has in these critics' perspective led to a practical decrease in democratic process across the world today.

"Neo-liberalism" has been an important ideological vehicle for the institution of a particular form of economic globalization since the 1980s. Going beyond 19th-century ideas of economic liberalism as embodied in Adam Smith's *The Wealth of Nations* (i.e., that government intervention in economic affairs is to be minimized), neo-liberalism refers to an ideological position that understands the market as *the* central component of society (as opposed to one aspect of society). In addition, neo-liberalism typically projects a deep-seated hostility toward all forms of collectivity (Bourdieu, 1998). Indeed, for many neo-liberals, the notion of "the public good" should give way to "individual responsibility," all commons (such as Indian reservations, for example) should be privatized, and peoples of the world should be "liberated" from the various forms of social protections built up by 20th-century democracies, since these are framed as having the effect of limiting the freedom of others by thwarting unfettered "free trade."

The emergence of neo-liberalism as a set of policies in the early 1980s is strongly associated with Ronald Reagan in the U.S. and Margaret Thatcher in the U.K.; since its early implementation in these nations, neo-liberalism has come to dominate national and international political and economic practice across the globe (and particularly in the wake of the fall of the Soviet Union in the latter 1980s). Indeed, the vast power of the "hyperpower" U.S. in the world has allowed it to project these policies and ideas into the central global economic institutions such as the World Bank and the International Monetary Fund and more recently created institutions (e.g., the World Trade Organization) and overarching trade regimes (i.e., the General Agreement on Trades and Tariffs and the North American Free Trade Agreement). The precise institution of these ideas varies across the world, depending upon the place of the country within global structures. Neo-liberal policies have typically involved cutting governmental support for domestic welfare and social protections (the so-called "citizen wages" crafted over the course of the 20th century), reducing the strength of organized labor by undercutting trades unions, privatizing government assets and activities, removing governmental regulations on the trans-global flows of goods, services, and capital, and instilling in everyday practices the notion that the market is the proper framework with which to (re)organize society.

These same imperatives of social engineering embedded in the application of neo-liberal ideas and policies have been central to U.S. federal Indian policy since the 1980s, beginning with Ronald Reagan (Hanson, 2001a). Indeed, we find the ideas regarding the salience of competition, the centrality of the market for social life, and the valorization of individual responsibility over social processes, undergirding federal policies and couched in a rhetoric of "choice" and "liberation." During his 1980 presidential campaign, Reagan emphasized that the relationship between the U.S. government and Indian tribes was best described as "government to government." He also promised to assist tribes that were not federally recognized, just as he

maintained that Indian peoples themselves should determine tribal membership; he voiced support for all provisions of treaties; and he stated that tribal governments should have the right to determine how their natural resources were to be developed. These promises resonated well across Indian Country, given the paternalistic and often harsh nature of federal Indian policies. The overarching dynamic in all of this, however, would be Reagan's emphasis on the "free market," which he maintained would liberate Indian tribal communities from both U.S. governmental paternalism and poverty and eventually lead to a cessation of federal trust obligations in the realms of housing, education, and general welfare. Economic development on reservations was to be carried out by private enterprise, for, as Reagan put it, "although the systematic development of [collective] tribal resources is extremely important, the development of individual or small business enterprise is crucial to sound economic development on the reservations." Reagan proceeded in his assault on social protections on reservations by severely cutting reservation funds for education, the Indian Health Service, Indian Housing and Urban Development (HUD), the Comprehensive Employment and Training Act (CETA), the Economic Development Administration, the Commercial Services Administration, the Legal Services Corporation, and the Bureau of Indian Affairs (BIA) general assistance fund.

Needless to say, the synergy of this "structural adjustment plan" for Indian Country proved socially and economically devastating. In his January 13, 1983, Presidential Indian Policy Statement, Reagan suggested that "excessive regulation and self-perpetuating bureaucracy have stifled local decision making, thwarted Indian control of Indian resources, and promoted dependency rather than self-sufficiency . . . This administration intends to reverse this trend by removing the obstacles to self-government and by creating a more favorable environment for the development of healthy reservation economies." The policy statement continued: "it is the free market which will supply the bulk of the capital investments required to develop tribal energy and other resources." A later document from Reagan's 1983 Presidential Commission on Indian Reservation Economies unsurprisingly underscored these ideas. And, according to the report, it was in the very nature of tribal life that the problem rested: for example, "in business, time is money. To tribes, time may be consensus." In sum, for these Reagan administration social engineers, tribalism stood as the great obstacle between poverty and liberation for Indian reservation communities.

As a consequence of these policies, a greater reliance on free market capitalism did make its presence known on reservations across North America. Gaming activities on reserved lands, made possible by the inherent sovereign status of tribes, allowed some tribes to regain economic stability, and a small handful of tribes, particularly those whose reserved lands are located in or near large populations, have done very well (Mason, 2000). Yet beyond gaming, increasing numbers of leases were granted by tribal governments to extractive industries and logging companies, and non-Indian ranchers and farmers were using greater expanses of reserved lands. Additionally, governments at all levels and private corporations have courted tribal communities for housing the various forms of garbage in our late industrial world. In spite of these entrepreneurial ventures leveraging the expanded sovereignty of Indian lands, the difficult economic realities of late 20th-century reservation life continue to plague Indian communities.

SOVEREIGNTY, NEO-LIBERALISM, AND THE CONTEMPORARY DANGEROUS OPPORTUNITIES FOR AMERICAN INDIAN RESERVATION COMMUNITIES

Embedded in the many dimensions of centuries of colonization, articulating a muscled-for political sovereignty that continues to expand and provide opportunities for self-determination, and facing the realities of significantly reduced federal trust allocations, American Indian communities, then, find themselves at a crossroads. What has become clear is that the expanding political sovereignty over tribal lands of the latter half of the 20th century, a dramatic and largely successful struggle by tribal communities to strategically leverage the structural changes associated with contemporary globalization, has not necessarily brought better living conditions for many reservations. Indeed, although an expanded political sovereignty for reservation communities allows for significant (though certainly not uncontested) degrees of political self-determination, the contemporary neo-liberal ideology that undergirds federal policies also devolves governmental responsibilities to localities. Social safety nets, those “citizen wages” gained over the 20th century as a bulwark against the vagaries of capitalism, are being slashed. For American Indians, this has entailed gutting the fiduciary aspects of the federal trust responsibility, thus leaving reservation communities to “fend for themselves.” While this situation might be preferable in many respects to the historic relationship of the colonial relations that have characterized U.S.–Indian relations for the past two hundred years, and it has been beneficial to many tribes, it is also fraught with danger. Indeed, tribes are left with forging their communities, and particularly their economies, in the treacherous conditions colonialism has bequeathed them. Within this context, the greater reliance on “the market” for tribal communities can prove to be filled with many dangerous opportunities. That is, the transformations of the nature of political sovereignty and economic processes in the world over the past decades have created greater opportunities for indigenous resistance, survival, and self-determination *and* greater opportunities for indigenous colonization and exploitation.

This problematic moment is being addressed by Indian leaders across the spectrum. Current National Congress of American Indians President Tex Hall notes that “seven generations ago, the United States was engaged in forced removal of tribes to the lands west of the Mississippi. Today we carry the wounds of that legacy. But we are alive and well and strong” (*New York Times*, 2003). In February, 2003, Hall called on the U.S. Congress and President George W. Bush to make good on their historic (trust) obligations to provide financial aid for education, housing, and health care, while respecting tribal sovereignty. Tom Goldtooth, spokesperson for the Indigenous Environmental Network, asserts that the decisions of the present are as significant as the “ones we had to make 200 years ago when our chiefs were forced to accept small plots of land” as reservations (Hanson, 2001a). And Duane Champagne, of the American Indian Studies Center at UCLA, suggests that “threats to Indian nations are greater in the 21st century than in previous times, and the need to create an intellectual, cultural, and philosophical justification for self determination” is paramount, as is the necessity and opportunity for an Indian or indigenous capitalism (Hanson, 2001b).

While political sovereignty remains centrally important, as I have sought to show, the advent of neo-liberal policies have in a sense changed the field in which American Indian tribal communities seek self-determination. In a phrase, neo-liberalism applied to federal Indian policies has “economized” political articulations for tribes by cutting Trust allocations and thrusting tribes into a much greater reliance on “the market” for their survival. Within neo-liberal policies more generally, an “economic reductionism” seeks to reframe all social issues within the dictates of “the market,” minimizing other means of achieving social good. How will this play itself out over the long term as an “indigenous capitalism” develops?

The impact of and participation in capitalism is, of course, nothing new for American Indians; yet the particular contemporary opportunities do present different challenges and options (Fixico, 1998). Thus far, some of the more prominent means of economic development in Indian Country since the 1980s (beyond simple resource extraction) have involved embracing two of the central new ventures in capitalism: gambling and garbage. Put differently, the globalizing late industrial society has afforded native peoples new economic development niches in activities which have caused great political strife – and potential harm – in dominant society (see chapter 19). As indicated earlier, Indian gaming has been an important means of generating significant income for a good number of tribes, and the passage of the 1988 Indian Gaming Regulatory Act forced a greater state and federal regulation of it (Mason, 2000). Although gaming has allowed some tribes to generate significant levels of income, relative to the 562 federally recognized tribal communities in the U.S., only a handful derive substantial amounts of income. A key factor in whether Indian gaming can become a significant economic activity for a particular tribe revolves around the reservation’s proximity to a larger population.

Many tribes, of course, live in remote areas, and thus gaming has not been a significant factor in generating income. One “development” option for these tribes has been to take in various forms of garbage from late industrial society. Indeed, since the 1980s, tribal communities have been deluged with invitations to house wastes, coinciding not only with an expanded sovereignty over their tribal lands, but also the awareness of the hazardous health risks associated with growing global environmental problems. In this context, tribes are being asked to conceive of the reservation as a sort of “landed corporation,” leveraging the unique status of the reservation (legally, politically, geographically) to provide access to governments and corporations in dealing with something that has escaped (other) adequate political and/or scientific solutions in dominant society. Housing these forms of garbage on reservations “off-shores” is in a way not dissimilar to the ways factories are increasingly located in underdeveloped nations to escape labor, environmental, and other regulatory issues, or the increasing use of prison populations in the U.S. by corporate America (where wages, benefits, etc., are likewise slashed).

The arena in which I have come to consider these complex and sometimes contradictory conditions revolves around tracking the ways in which the U.S. government and private utility corporations have marketed high-level radioactive waste to American Indian reservation communities as a means of economic development (Hanson, forthcoming). This marketing plan embodies the emergent contradictions between the political and economic realities facing Indian communities, just as it illustrates the logics of neo-liberalism applied to nuclear waste issues more

generally. I now turn to a brief discussion of this marketing plan as a case study of these realities.

In an effort to address the interminable and politically fractious problem of what to do with the high-level radioactive waste generated by the commercial nuclear industry, the U.S. government authorized the Department of Energy to create a quasi-independent agency in the latter 1980s, the U.S. Nuclear Waste Negotiator. Headed initially by David Leroy, a former Lieutenant Governor (Republican) of Idaho, this office proceeded to craft a marketing plan specifically tailored to American Indian reservation communities, offering tribal governments huge enticements of money and infrastructure if they would agree to house these radioactive materials on reserved lands. These invitations came at precisely (and, arguably, not coincidentally) the time when the deep cuts in federal trust allocations initiated earlier in the decade were creating social and economic havoc on reservations across the country. Leroy suggested that, because of their traditional concerns for the Earth and their sense of acting with future generations in mind, American Indians were the culturally appropriate stewards of this long-lasting high-level radioactive waste. His plan sought to engender interest in several tribes simultaneously, such that each would bid against others over how much a tribe would get in compensation, thus lowering the ultimate costs of storage for the U.S. government or utility corporations. Leroy emphasized the voluntary nature of participation, suggesting that tribes would completely control all aspects of the process. Indeed, tribal governments would be responsible for setting potential compensation packages, convincing their members of the desirability of nuclear waste storage, and assessing the ecological and health risks associated with it. The decision would be a matter of pure rational choice.

Called monitored, retrievable storage systems (MRS), these storage facilities would be owned and operated by the U.S. government or the private nuclear utility consortium that advanced them, and some 40,000 tons of highly radioactive spent fuel rod assemblies from commercial nuclear power reactors would be placed on-reservation for some 25–40 years. The sovereignty of reservation lands – the fact that they are exempt from certain state and federal regulations – would allow a host of political and procedural red tape designed to evaluate such projects to be streamlined or ignored (which, along with vociferous public resistance, had kept such facilities from being sited elsewhere in the U.S.). The time-frame for storage of the waste on Indian lands would be predicated on the opening of the Yucca Mountain site in Nevada, the first projected ultimate deep-geologic resting place for high-level radioactive waste in the U.S., a politically and scientifically contested venture with many hurdles left to be overcome if, indeed, it ever does open. Even if the Yucca Mountain facility does open, it would be 2010 at the very earliest that any waste could be taken at the site. The voluminous amount of radioactive waste piling up at commercial nuclear reactors across the country would thus first be transferred to an MRS site, and thereafter buried at Yucca Mountain.

Some 20 tribal governments initially accepted grant monies connected to the first phase of the MRS plan. While some tribes used their monies for investigations concerning the political and scientific feasibility of housing an MRS, many returned those monies when tribal members reacted negatively to even the consideration of

housing these toxic materials on tribal lands. Several tribal governments proceeded to a second phase, in which more serious appraisals of the geologic and political feasibility of bringing radioactive wastes to their reserved lands were carried out. Yet opposition to the entire venture mounted, within particular reservations, across Indian Country more generally, and beyond; by the mid-1990s, the political pressure resulting from this opposition succeeded in cutting funding for the government venture.

In response, 33 nuclear utility corporations took the general thrust of the government plan and formed a fully privatized initiative – the so-called Private Fuel Storage (PFS) – with the same ends in mind, and that process continues today. Only one tribal government, the Skull Valley Goshutes in northeastern Utah, continues to seek the storage of radioactive wastes as a means of economic development, and the ultimate outcome of their bid is yet to unfold. Surrounded by decades of toxic materials generated by corporate and military activities, the Goshute Tribal Council sees this venture as a way to leverage their lands and sovereignty for some financial security. Because it is a private venture, many of the details of the negotiations remain secret. The projected 100-acre site would house some 4,000 concrete and steel storage casks for up to 40 years. The potential compensation package for the Goshutes remains secret as well, but it would likely be at least in the \$3 billion range, considerable money for the tribe of some 125 members whose alternative possibilities for economic development remain few.

Although it is too early to say whether some tons of highly radioactive spent fuel rods from the commercial nuclear industry will end up on Goshute reserved lands, a storm of commentary in a variety of newspapers has voiced affirmation, opposition, astonishment, and outrage over the process. Opposition to the venture abounds within the Goshute tribe, creating nasty civil strife on the reservation. Virtually the entire political establishment of Utah vehemently opposes the project, working in a myriad of ways to stop it. Utah citizens overwhelmingly oppose it as well, voicing remembrance of the trans-generational health and environmental harm that came from being downwind of nuclear weapons tests conducted by the U.S. government throughout the 1950s and 1960s. People on all sides cry environmental injustice. Yet Goshute Tribal Chairman Leon Bear maintains that the project will be borne out, that the tribe should use one of its only resources available – their reserved lands – to generate income, and that any opposition to hosting the wastes represents an illegal and unwarranted attempt to limit the political sovereignty of the Goshutes and American Indian nations more generally. Furthermore, as he recently stated, echoing the sentiments if not the actual words of David Leroy: “Much of the uranium was mined by Navajos on their reservation, and now it’s returning to a reservation. It was taken out of Mother Earth, and now it’s looking for a place to rest. We’re stewards of the Earth, and who’s better to take care of this than the Native Americans.” In March, 2003, however, federal regulators associated with the Nuclear Regulatory Commission voted to block the facility, citing potential danger from Air Force activities in the region. The Goshute tribal government has appealed that ruling, redoubling its efforts to house the wastes on the reservation (Hanson, forthcoming).

CONCLUSION

In sum, acting as marketing agents, the U.S. government and nuclear utility corporations are seeking to transform a colossal (environmental) bad into an (economic) good, framing Indian acceptance of these materials onto reservation lands as an exercise of political “sovereignty,” an articulation of “traditional Indian wisdom” in making decisions which take into consideration the needs of future generations, economic liberation from a dispossessive colonial past, and as a sign of a changed relationship between the U.S. government and Indian nations in which “mutual respect” is the dominant framework. These sometimes contradictory and counter-intuitive advances embodied in the marketing plan illustrate many aspects of the complex opportunities and dangers that have opened up for Indian reservation communities, embedded as they are in a resurgent political sovereignty, the shifting terrain of federal policies, a globalizing capitalism that invites their increased participation, and the historically imposed vulnerabilities that colonialism has bestowed upon them.

American Indians have lived a contradiction over their political sovereignty relative to U.S. society for a long time, and in the bid for greater self-determination they have necessarily used international and domestic legal systems to push for greater self-determination while simultaneously seeking to not let the (Western) legal strategy predominate in justifications for Indian sovereignty. But the context in which this has happened in the last half century, globalization, has been filled with unprecedented dangerous opportunity. As I have explored, one of the earliest manifestations of dangerous opportunity in contemporary globalization for Indian peoples, the Indian Claims Commission, had several interests behind it, many vying for the demise of tribalism and reserved lands. In spite of this danger, Indian communities successfully seized upon the moment, leveraging greater political self-determination in a host of ways. Within the emergent neo-liberal political economy, they now face a new, perhaps larger contradiction: how to embrace the tar baby of new global capitalism as a means of economic self-determination but not let that step become the thing itself; not let economic development become the predominant justification for Indian sovereignty; or indeed, vice versa.

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CHAPTER 16 Treaty Rights

Larry Nesper

In the summer of 1998, about two hundred Anishinaabe (often called Ojibwe or Chippewa) people from bands in Wisconsin, Michigan, Minnesota, and Canada gathered at Madeline Island in Lake Superior for “Wikondiwin,” “Feasting our Treaties.” The Madeline Island Treaty Conference involved Talking Circles about the roles of men and women, youth and elders, language, storytelling, and history. A sacred fire was maintained for the entire four days and nights. Ceremonies and sweatlodges were held. Feasts were given. The event was sponsored by the Great Lakes Indian Fish and Wildlife Commission which provides coordination and services for the implementation of the off-reservation hunting, fishing, and gathering rights to 13 signatory bands of treaties negotiated in the middle of the 19th century in the three states noted above.

The conference culminated in the signing of the Anishinaabe Akii Protocol by the hosts and representatives of the Kabapikotawangag Resource Council, a consortium of Canadian Ojibwe First Nations with treaty fishing rights on the Lake of the Woods in Ontario. Beginning by acknowledging their unitary cultural identity, the protocol then lists and elaborates nine categories of cooperation including: conservation of, strategic planning regarding, technical support in relation to, education about, vetting of outside initiatives regarding, and management of, resources; financial and economic development; material support and respect regarding the recognition, fulfillment, and faithful implementation of treaties and sovereign prerogatives; the exercise of the inherent tribal and national right of political, economic, social, and cultural self-determination, and any action with respect to national and territorial integrity.

On the final day, the protocol was signed in a ceremony that entailed much of the symbolism that organized the treaty councils with the United States government in the 18th and 19th centuries. These, in turn, were modeled on antecedent indigenous international and intertribal diplomatic and economic interchanges. Leaders spoke about the meaning of the undertaking in both Anishinaabemowin and in English, commenting on the artificiality of the colonial conceptual structures that inhibited

their understanding of themselves as one people. An honor song was offered. People danced carrying staffs symbolizing local groups. Pipes were smoked consecrating the proceedings and the newly understood relationships. The document itself was smudged with sage and signed while the signatories humorously and reflexively commented on the historical complexity and multicultural roots of this form of constitution. It was what Marcel Mauss, author of *The Gift: The Form and Reason of Exchange in Archaic Societies*, a seminal work in anthropology, called a total prestation that created obligations for all of the participants (Mauss, 1990 [1950]).

OVERVIEW OF THE TREATIES

The conference was held to make an agreement between bands of Anishinaabe people on both sides of the international border between the United States and Canada. They came together as aspiring self-determining indigenous polities to re-imagine a social, cultural, political, economic, and legal totality. For the groups, the protocol was related to the legal relationship that obtains between the bands of Indian people and the governments of Canada and the United States. At the same time, the meeting displayed distinctly Anishinaabe cultural elements. For both the American and Canadian Indian people, those relationships are governed by treaties and the rights of each party stipulated in them. At the same time, treaties, the treaty relationship, and treaty rights have a meaning that goes beyond its meaning in the European-derived legal domain.

An anthropological understanding of the contemporary significance of treaties and treaty rights invariably entails a critical if summary consideration of the general history of the relationship between colonizing Europeans and indigenous people, with some attempt to understand what was and what was not understood, imagined, and agreed to in their interactions.

Both the United States and Canada inherit a commitment to the recognition of native sovereignty ultimately from the Spanish but also in King George III's Proclamation of 1763 that designated the territory beyond the eastern mountains to be off limits to the King's English subjects and reserved to the tribes. In recognizing aboriginal title, this proclamation established the necessity of the governments of the United States and Canada to treat with the tribes in the manner in which they would treat with other foreign nations. In the U.S., this commitment took form as the Northwest Ordinance of 1787 under the Articles of Confederation and promised that:

The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

This policy was a political necessity for the United States both by virtue of its precarious international standing at the time as well as the economic and military viability of the

tribes on their own account. Though the historian Paul Prucha in his magisterial *American Indian Treaties* (Prucha, 1994) regards the decision by the United States to treat with indigenous peoples for nearly one hundred years as “politically anomalous,” this mechanism is clearly implied in the manner in which the tribes were thought of at the time of the creation of the U.S. Constitution. The second clause of Article VI states that treaties “are the supreme law of the land” and the Constitution specifically mentions Indians and indicates their special status from the point of view of the United States by, first of all, excluding them from taxation. Section 8, paragraph 3 of Article I, enumerating the powers of Congress, gives the national legislature “the power to regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes.” As such, the phrasing signals that Indian tribes are rather like, though not exactly the same as, foreign nations. The clause also represents an agreement between the states that Indian affairs are a federal and not a state issue.

In the very early years of its relationship to the tribes on its west, the United States treated with Indian polities in the same culturally syncretistic manner characteristic of all international interactions between culturally different societies. In *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600–1800*, Robert Williams has assembled an assessment of the understanding Indian people brought to the diplomatic relations they participated in with the Europeans. The Iroquois brought the symbolism of condolence rituals to treaty-making. These Condolence Council rituals, that involved opening the eyes, ears, and mouth, “became part of a diplomatic language that regarded the negotiation of treaties with different peoples as the fulfillment of a divine command to bring all peoples beneath the branches of the Tree of Great Peace” (Williams, 1997: 60). Furthermore, the Iroquois metaphor of a single common bowl from which all ate stands for “a constitutional principle that different peoples in a treaty relationship mutualize and converge their interests, thereby eliminating the source of distrust between them” (p. 127).

The same orientation could be found in the Ohio and Great Lakes Woodlands. In societies in which the deployment of labor is organized by kinship, metaphors of kinship are extended to the modeling of the relationship between societies. Kinship terms organized how the tribes sat, for example, at the 1795 Treaty of Greenville (Williams, 1997: 71). Use of the term “brother,” nuanced with the qualifiers “younger” and “elder,” specified the nature of the obligations of the parties in a multilateral process of reconstituting a new whole. It is a fundamental world-creating discourse.

In this period when both the form and the substance of treaties were fully negotiated, they were understood as constitutions. “(T)reaties, as social texts, required treaty partners to accept a set of constitutional values reflecting their shared humanity under their covenant” (Williams, 1997: 99). The Ojibwe chief, Mashipinashi, at the Greenville (Ohio) Treaty of 1795 spoke of the revolutionary significance of what the many gathered at that place sought to accomplish in their undertakings: “Remember we have taken the Great Spirit to witness our presentations: *we will make a new world*, and leave nothing in it to incommode our children” (Williams, 1997: my emphasis). Treaties were regarded as sacred texts that commanded all people to unite as one (Williams, 1997: 102).

Consistent with this interpretation of treaty-making, Raymond DeMallie (1980: 39) makes the very important point that Indians and non-Indians had a very different

understanding of what was most significant about these events in his study of the transcripts of formal council proceedings: “For plains Indians, the council was an end in itself. What was important was the coming together in peace, smoking the pipe in common to pledge the truthfulness of all statements made, and the exchange of opinions.” The same held in the Great Lakes during this period. In his article “Gifts as Treaties,” Cary Miller (2002: 240) makes a related point: “The Americans did not understand that as gift givers the Anishinaabeg expected them to stand by the promises made when the gifts were presented, not just by the agreements that ended up in the text of the American treaties.” By contrast the Europeans or Euro-Americans were focused on the production of a document and did not imagine they were involved in a long-term relationship as they assumed that the Indian nations would dissolve. Peace may have been understood by Europeans as a necessary condition for negotiating other matters, but to the indigenous nations, the establishment of peace was a world-transforming act and one that entailed a complete re-imagining of a social totality. As such, this divergence reminds us that symbols can speak in many voices.

The written texts of treaties are symbols of exchanges and conversations about establishing social, political, and economic cultures “within which diversity would still flourish, and between which there were some common standards” (Chamberlain, 1997: 15) insofar as both sides were equally concerned about culture and anarchy, order and chaos. The treaties, then, “enacted rather more than they enunciated a social contract” (Chamberlain, 1997: 17), and really foresaw a process and an ongoing, evolving relationship.

As the Canadian as well as the American tribes were effectively forced to negotiate authority with the goal of maintaining identity in the form of tradition with increasingly powerful settler-colonial states, their legal status *vis-à-vis* those states would be diminished. In recognition of the shifting of power, rules or canons of treaty construction would evolve that require courts to resolve ambiguous expressions in favor of the Indian parties, to interpret the treaties as the Indians at the time would have understood them, and to liberally construe the treaties in favor of the Indians (Getches, Wilkinson et al., 1993: 157).

Three United States Supreme Court cases in the first third of the 19th century, all involving the Cherokee Nation, play an important role in establishing the framework within which Indian sovereignty and attendant exercises of treaty rights in the 20th and 21st centuries can be understood. In 1823, in *Johnson v. McIntosh*, the Supreme Court opined that Indian tribal sovereignty did not include the right to transfer title to whomever tribal officials wished. In *Cherokee Nation v. Georgia* (1831), the trust doctrine was established with the court refusing to recognize the Cherokee as a foreign nation but designating the Cherokees a “domestic dependent nation,” to whom the United States had obligations. Finally, in *Worcester v. Georgia* (1832) John Marshall not only found that the laws of a state have no force in Indian Country generally, but that the tribes were to be “considered as distinct, independent political communities, retaining their original natural rights, as undisputed possessors of the soil...[and though smaller than the United States]... a weaker power does not surrender its independence – its right to self-government” (30 U. S. [5 Pet.] 1.)

Now unilaterally designated to be in a relationship that “resembled that of a ward to its guardian,” in the words of the Chief Justice, the tribes within the lands claimed

by the United States and Canada would embark on the course articulated above by Chamberlain, typically agreeing to cede land and accept various forms of educational and economic assistance in exchange for retaining the right to practice distinctive modes of social and cultural reproduction, most emblematically in the form of hunting, fishing, trapping, and gathering rights on the land they were ceding, and everything that was entailed in such practice. In the words of Rebecca Tsosie, member of the Navajo Nation and legal scholar: “Not surprisingly, land was the central dynamic around which the treaty-making tradition with Native peoples revolved. For Native peoples, then, the treaties represent far more than a means of ensuring physical or even political survival: They are perceived as fundamental to the cultural survival of the people because they represent the linkage between land and cultural identity” (Tsosie, 2000: 1642–3).

This relationship can be inferred from the texts of treaties between tribes in the middle of the 19th century wherein rights were explicitly reserved by the tribes. The treaties signed between the Ojibwe bands of what would become Wisconsin and Minnesota in 1837 and 1842 are exemplary. Each is only a few hundred words long and organized into six or seven articles, rather like constitutions. The articles describe the land that is being ceded and the nature of the compensation for that land. Importantly, in both treaties, an entire article is given over to the stipulation that Indians may continue to use the land and its resources in their traditional manner. This was a common feature of land cession treaties at the time.

The proceedings of treaties indicate the importance of these stipulations to the tribes to the point of describing the multiple channels in which Indians attempted to communicate their significance to the treaty commissioners representing the United States government. In negotiating the Treaty of 1837, for example, speaking as representative of the chiefs and headmen assembled, Ma-ghe-ga-bo invokes the moral obligations that obtain between father and son and addresses the Territorial Governor Dodge: “My Father, Listen to me. Of all the country that we grant you we wish to hold on to a tree where we get our living, & to reserve the streams where we drink the waters that give us life . . . The Chiefs will now show you the tree we want to reserve. This is it” (Satz, 1991: 142). Cultural and social survival, or the maintenance of tradition as discussed above, is clearly paramount in such interactions. It is even more clearly expressed in a slightly later period in Canada.

Canada continued and continues to make treaties with First Nations unlike the United States, where the practice was terminated in 1871. (Though treaty-making was succeeded by executive orders and agreements that sought to accomplish many of the same things the treaties had in the U.S., this represents a diplomatic downgrading by any measure and the ascent of the legislative branch in relations between the tribes and the federal United States government.) Eleven treaties were signed in Canada between 1871 and 1909. Oral histories of those proceedings reveal that like their American counterparts in the colonial period and later, the First Nations, even in the last quarter of the 19th century, were negotiating the social significance of the treaty relationship with the Canadian government and that in their efforts to perpetuate a distinctive collective sense of themselves, the modern conception of treaty rights as the right to self-determination broadly conceived would emerge independently. Like the American tribes, the Canadian First Nations appear to have understood themselves as participating in a culturally synthetic process of both creating a relationship

with the colonial society as well as re-imagining the totality that was then evident to them.

Treaty-signing events were modeled on the relationship that the Indian communities had developed with the Hudson Bay Company which began in the 17th century. Importantly, these negotiations included the right to change the terms of their relationship, suggesting the appropriateness of new canons of treaty interpretation. Abraham Rotstein (1972) argues that the trade with the Hudson Bay and other fur companies was a mechanism for enhancing security. It validated political alliances. It was an effort to constitute a “we” that went on for two and a half centuries. Rotstein draws upon fur factor Andrew Graham’s elaborate description of the ceremony of trade between Indians and the HBC fur personnel to maintain that relationship of compact wherein both sides assure the other of their “love.”

In later years, the Royal Canadian Mounted Police draped a Canadian flag over a small table in the community halls of the western reserves and paid Indian people \$5. It was “the ceremonial recreation of a political relation between Indians and Europeans that derives from two centuries of contact but finds its formal expression in the treaties” (Friesen, 1979: 203). This reciprocity is of fundamental importance in the fur trade and in treaty-making, hence the use of kinship metaphors to recreate moral obligations. “In Indian political thought, the treaties represented continuing political and economic relations of mutual obligation” (Friesen, 1979: 212).

In the early 20th century, when the bands began to suffer under the Canadian government’s perceived failure in the implementation of the terms of the treaties, Cree and Sauteaux Indians began to call for stricter adherence to the terms of the treaties and began a process of explicitly re-emphasizing their value as sacred as they asserted their own right to interpret what their ancestors understood by the treaties. As a result “Treaty rights . . . has become a dynamic concept, one subject to interpretation according to what each generation thinks the treaty signers might have understood the metaphors to mean” (Tobias, 1986: 249).

Like their American counterparts, the Canadians both sought land cessions and recognized a right to the soil that had to be legally acquired. The treaties signed in this period obligated the Canadian government to facilitate the transformation of Indian people’s society and economy in the form of a variety of social services such as availing them schools, agricultural training, and in one case a railhead such that they could better participate in the national economy (Price, 1999: 8), and to establish peace between the tribes as well as between the Indians and the whites. At the same time, however, the bands were insistent upon retaining the right to pursue their traditional mode of subsistence in the form of hunting, fishing, trapping, and gathering.

In the same way that the very rights to continue to hunt, fish, trap, and gather on lands that were ceded represents a guarantee of the self-determinative right of social and cultural reproduction, in the process of reflecting upon their own history, the tribes have come to feel that they also stipulated for the right to participate in the process of continuing to negotiate the shape of the moral obligations that societies have to each other in the fashioning of a larger whole. Foster concludes his interpretation of the history of cultural continuities with a suggestion that the innovation foreseen by Indian people in the re-constitution of a greater social totality would eventuate in a new political consciousness: “It would appear that the failure of

the white community to observe the traditional relationship led the Indian to examine seriously the idea, European in origin, of aboriginal rights. The concept provided a vehicle for expressing a sense of betrayal and injustice, and at the same time, seemed to furnish white tools to be used in the Indian interest” (Foster, 1987: 198).

With the ongoing failure of the Canadian government to live up to what Indian people understood their relationship to be by virtue of the treaties, and with Indian cultural survival jeopardized, Indian people foregrounded the sacredness of the alliances that were symbolized in the treaties as they attempted to appeal to non-Indian moral and legal sensibilities.

THE NADIR OF TREATY RIGHTS

The United States’ debut on to the world stage as a credible international force in the last decades of the 19th century was coordinate with internal political and economic processes, and it had important implications for indigenous nations and the treaty rights of Indian people. Congress would interpret its trust responsibility to the tribal “domestic dependent nations” as the right to repeatedly abrogate treaty stipulations in the failed attempt to integrate Indians into the mainstream of American society between the end of treaty-making in 1871 and the advent of the policy of self-determination a century later. Typically deferential to the will of Congress, the Supreme Court largely gave assent to Congress’s actions and effectively downgraded the status of the treaty rights held by the Indian tribes with few exceptions (see chapter 13).

In 1886, in *U.S. v. Kagama*, the court embraced the idea that this new relationship with the tribes permitted far greater legislative authority over the tribes than had been exercised previously. The General Allotment Act of 1887 divided the corporately held tribal estates into tracts of land held by individuals. In *Cherokee Nation v. Southern Kansas Railway Company* (1890), John Marshall’s expression that the tribes were like wards was more deeply embraced by the court, and it decided the federal government’s power of eminent domain superceded the treaty-guaranteed right of the Cherokee to territorial integrity. In *Ward v. Race Horse* in 1896, the hunting rights that the Shoshone-Bannock had retained in the treaty of 1868 were not only incorrectly imagined by the Court to be “granted” to the tribes, but found to be terminated with the admission of Wyoming into the Union on the theory that anything less than the termination of such rights unfairly encumbered the state’s sovereignty. The theory was called the Equal Footing doctrine and remained a symbol of the conflict between state’s rights and tribal sovereignty for the entire 20th century. In 1903, in a devastating decision for tribal sovereignty and treaty rights, *Lone Wolf v. Hitchcock*, the Supreme Court found that Congress need not respect particular stipulations in the treaties (Wilkins, 1997: 64–117). Subsequently, however, in *United States v. Winans* (1905), the Supreme Court upheld the treaty fishing rights of the Yakima Nation and reiterated that treaties were not “a grant of rights to the Indians, but a grant of rights from them” (my emphasis). And in 1908, in *Winters v. United States*, the tribes were assured the right to use the water they needed to fulfill the purpose of their reservations (Getches, Wilkinson et al., 1993: 774).

In 1934, as part of the New Deal, Congress passed the Indian Reorganization Act which represented a partial and relatively short-lived reversal of the assimilation policy that had informed legislation and court decisions for more than a half-century at that point. The act revived some of the elements of the government-to-government relationship envisioned in the treaties. After World War II, however, the U.S. government sought to get out of the Indian business for good and returned to the course set out in the later 19th century.

THE INDIAN CLAIMS COMMISSION, ANTHROPOLOGISTS, AND THE AMERICAN INDIAN CHICAGO CONFERENCE

In 1946, as part of a policy that sought to terminate the relationship between peoples envisioned in the treaties, the United States Congress created the Indian Claims Commission (ICC) to settle disputes with the tribes that dated back to the 19th century. Before that time, tribes had to ask permission of Congress to sue the United States on a case-by-case basis. By 1978, when Congress let the act lapse, the government had made compensatory awards of about \$800 million (Rosenthal, 1985: 67).

The United States had long recognized the existence of an “occupancy or possessory right to lands” in David Wilkins’s (2001: 21) phrase, but in order to assert the right to be compensated for the loss of those lands, tribes had to establish the fact of their political existence as well as their exclusive possession of the lands at issue. As a result of the government’s characteristic and condescending skepticism regarding the reliability of Indian testimony, oral history, and traditions, anthropologists as well as historians and ethnohistorians were brought into the proceedings. They would work as expert witnesses for both the government in its defense and for the tribes as plaintiffs (see chapters 14, 23).

The expert witnesses had to establish the meaning of occupancy in native terms. Essentially, the issue was the meaning of “use” (Beals, 1985: 148). Anthropologists evaluated the nature of resource use implicating the nature of the occupancy, the population density, and the percentage of utilization. All in all it was a translation process. They synthesized ethnographic data, archaeological evidence, military and missionary records, as well as the information from private journals, to come up with competing estimates of population, land, and resource use in making claims.

One of the more notable figures in both the California case which consolidated 16 groups into one claim, and the ICC in general, was Alfred Kroeber, at the University of California, whose testimony not only “simply overwhelmed everyone in court” (Sutton, 1985: 134), but whose more liberal conception of tribal land use prevailed over the more conservative and restricted theory offered by Ralph Beals, and was adopted by the Commission (Sutton, 1985: 112–13). As one measure of Kroeber’s centrality in the discipline at mid-century, six of his students worked as expert witnesses for the defense: Erminie Wheeler-Vogelin, Duncan Strong, Julian Steward, Walter Goldschmidt, Abraham Halperin, and Harold Driver. In addition to Kroeber, the following anthropologists worked on the California Indian Claims: Kenneth M. Stewart on the Mojave; Robert Euler, Henry Dobyns, and Robert A. Manners on the Walipai; Paul Ezell and Alfonso Ortiz on the Maricopa (Stewart, 1983). Frank

Hibben worked with the Jicarilla. Robert Heizer and Omer Stewart also worked for the plaintiffs in this case.

As a measure of both the value of the anthropological contribution and what was at stake for native peoples in the area of the Great Basin, the testimony of Anne Cooke Smith and Omer Stewart on behalf of the tribes provided ethnohistorical data that the attorneys used to contest “the government’s arguments that the groups in question had never existed, that they had come into existence long after the lands in question had been taken, or that their territorial boundaries were so vague that accurate bases for compensation could not be determined” (Clemmer and Stewart, 1986). Ethnographic research done by Verne Ray played “a major role in the outcome of the Spokane land claim” (Sutton, 1985: 118) in the Northwest where Leslie Spier also worked with the tribes. According to Omer Stewart, in addition to the anthropologists already mentioned (Stewart, 1979), E. Adamson Hoebel, Nancy Lurie, James Howard, Anthony F. C. Wallace, and Waldo Wedel all worked for the tribes on ICC cases, and Robert Manners and Harold Hickerson both worked for the Department of Justice.

Involvement in the Indian Claims Commission work, with all of its implications for the lives of Indian people, had as much of an impact on scholarship as it did on the status of treaties and treaty rights both in Indian communities and in the non-Indian popular imagination. For example, anthropologist Ralph Beals was upset by the adversary nature of “Anglo-Saxon legal systems,” and it caused him to reflect upon the very nature of knowledge, regarding it as “problematical” not only “in the world in general” but also in “the world of science in particular” (Beals, 1985: 152), signaling the beginnings of critique that would hold potential for listening more carefully to Indian voices. Anthropologists Verne Ray, Julian Steward, Alfred Kroeber, J. A. Jones, and Nancy Lurie participated in a 1954 symposium on the ICC that was subsequently published in *Ethnohistory*, volume 2 (4), a publication, methodology, and scholarly society that arose as the result of the ICC. Verne Ray pointed out in his commentary that “the new and valuable anthropological information which we are getting relative to the American Indians is being paid for by the Indians themselves” (Ray, ed., 1955: 290). Recall the indigenous understanding of treaties as the means by which new worlds were being created.

Since the ICC, scores of anthropologists have testified in the many court cases brought by Indian tribes. The role of expert witness, however, may be transforming with the Canadian Supreme Court case *Delgamuukw* (1997), wherein the validity of oral history given by Indian people was recognized and affirmed for the first time. Daniel Boxberger, anthropologist and veteran of two dozen stints as an expert witness in state, federal, tribal, and provincial cases, lauds this decision and sees it as a watershed event for “expert witness testimony, the nature of anthropological interpretation, and the nature of the flow of knowledge” (Boxberger, 2000: 1). Though courts in the United States have yet to take the step the Canadians have taken in *Delgamuukw*, it may not be long before they do.

This revolutionary change in how the court thinks about oral history suggests further changes in how the relationship between indigenous peoples and the dominant society will be re-imagined. Angela Hoefft (1995) has written a study of the Mille Lacs case wherein the status of Indian hunting, fishing, and gathering rights in

Minnesota was at issue. She finds the canons of treaty construction inadequate especially as they were used in the first Mille Lacs case in 1994 because they offered such a small role to living Indian people in determining the meaning of the treaty to their own ancestors who signed it. This would be remedied if the American courts were to follow the Canadian. Though the U.S. canons require that treaties be interpreted as the Indian would have, and that ambiguities be resolved in their favor, the issue of *who* does the interpreting and resolving has not been fully addressed and by default this has fallen to non-Indians, as Boxberger points out in his own assessment. Hoelt offers the remedy of adopting the international paradigm of indigenous self-determination that presumes native competence and cultural integrity in favor of the domestic model that assumes incompetence and cultural inferiority. This will require attention to the tribes' ongoing (and changing) understandings of the treaties, as well as elevating the role of oral history in the courtroom for American tribal nations.

While the work of the ICC continued, anthropologist Sol Tax at the University of Chicago, acting upon a long-standing commitment to social justice, coordinated the American Indian Chicago Conference in 1961. Co-sponsored by the National Congress of American Indians, the conference brought together 460 Indian people from 90 different tribes to discuss their common concerns. The conference would produce the *Declaration of Indian Purpose* which spoke to legislative and regulatory proposals, resource and economic development, health, welfare, housing, education, law, and jurisdiction. In this last section, it called upon the United States government to respect the treaties. "A treaty, in the minds of our people, is an eternal word" (Anonymous, 1961: 20). John Marshall's opinions regarding Indian rights to govern themselves were quoted, and the entire document was presented to President Kennedy.

SELF-DETERMINATION, TREATY RIGHTS IN INTERNATIONAL CONTEXTS, AND TRIBAL RENAISSANCE

The National Indian Youth Council emerged out of the American Indian Chicago Conference, "the early prototypic organization for aggressive political action on the part of Indian youth. The ferment of these young people provided basic philosophy and courage for the dramatic demonstrations of the 1960's and 1970's" (Ablon, 1979: 455), many of which were directly about treaties and treaty rights and would have important consequences. Most significantly, protests at Alcatraz (1969), the Trail of Broken Treaties (1972), and Wounded Knee (1973) led to the federal policy of self-determination initiated by the Nixon administration.

With this policy came a series of federal court cases defining and often upholding the treaties and treaty rights, especially in the areas of hunting, fishing, and gathering rights but also in the areas of tribal jurisdiction. Pre-eminent among them is *United States v. Washington* (1974), known as the Boldt Decision after the judge who made it, wherein 13 Washington tribes were allocated half the salmon catch as their treaty right. The decision would revolutionize tribal-state relations in the Northwest and would resonate in the upper Midwest where the tribes had retained use rights both in the Great Lakes – where litigation had begun earlier – as well as throughout the lands

they had ceded to the government in the 19th century, where litigation would now begin.

In 1983, in what is referred to as the Voigt Decision, the 7th Circuit Court of Appeals reversed a lower court ruling, finding that the state of Wisconsin could not ignore Indian off-reservation treaty rights in the northern third of the state and would have to commence a process of negotiating tribal harvests with the six bands of Lake Superior Chippewa in the state. The process was orchestrated and nuanced by local non-Indian opposition to the exercise of these rights which made the cultural revitalization that took place among the bands of Lake Superior Chippewa all the more complex (Nesper, 2002).

The reaffirmation of the treaty relationship between the Great Lakes Ojibwe bands and the federal government has led to the renaissance of culture originally envisioned in the treaty relationship historically by the indigenous people. Though treaties may have been thought about and experienced by non-Indians as overly ritualized real estate transactions, “they required the parties to accept a set of constitutional values reflecting their shared humanity under their covenant” (Williams, 1997: 122). Recall the Ojibwe leader Mashipinashi: “Remember we have taken the Great Spirit to witness our presentations; *we will make a new world*, and leave nothing in it to incommode our children” (ibid.: 99, my emphasis). In what sense has that “new world” been brought about?

This radical understanding – in the sense that it goes to the *root* of what unites and separates people – entails constitutional obligations and sheds light on aspects of the relationship between Indian nations and the United States. Native Americans are disproportionately represented in the armed forces of the United States. This long-standing practice and inclination may ultimately derive from the constitutional revolution that the treaties represented in the minds of Indian people as was discussed above. *Vis-à-vis* other nations, Indian people understood the interests of the United States to be identical to their own. The prominent place held by the American flag in powwows is a regular reminder to Indian people of this relationship despite the fact that the U.S. has apparently never fully appreciated nor clearly shared this understanding.

The re-establishment of Indian hunting, fishing, and gathering throughout the ceded territories of Wisconsin, Michigan, and Minnesota has benefited both the Indian communities and the non-Indian communities in the upper Midwest, as it has in other areas of the country with underlying treaty commitments that have been renewed in recent decades. Ojibwe people have come to revalue their traditional culture, have taken a new interest in their language and their ceremonies. Though elements of the non-Indian population have resisted this revitalization of the original relationship as foreseen by Indian people (see especially Cohen, La France et al., 1986; Boxberger, 1989; Doherty, 1990; and Nesper, 2002), since the early 1990s there have been a number of salutary effects.

At the time of the Voigt Decision, most of the Ojibwe bands in Wisconsin did not have courts or law enforcement systems. With their appearance, motivated by more fully realizing treaty-guaranteed rights of jurisdiction in the context of the recognition of treaty rights, has come “the most sweeping state full faith and credit legislation for tribal courts in the nation” (Jannetta, 1992: 77) and the attendant development of the tribal capacity to govern. In the domain of jurisdiction, the

transformation in the tribal–state relationship has led to the emergence of a State/Tribal/Federal Court forum (Idleman, 2000; Anonymous, n.d.) for the discussion of all of the issues involved in allocating jurisdiction in a Public Law 280 state, that is, in a state wherein the federal government made the state responsible for adjudicating civil and criminal matters in Indian Country in 1953 (see chapter 12). This is a very significant development, as it gives substance to sovereignty via the implications for cooperation incumbent upon the different sovereignties that must interact. This institutional nexus is the outgrowth of treaty rights.

The general population of Wisconsin is learning about these relationships with the passage by the state legislature of a law requiring units of study about the Indian people of the state twice in each student’s primary and secondary education. By virtue of the greater economic independence afforded by gaming, the Mille Lacs band gave public television station WDSE in Duluth \$90,000 to assist in the production of an eight-part Public Broadcasting System series on the Anishinaabe of the upper Great Lakes area. Close ties between Indian and non-Indian communities have developed with state-funded local joint committees as well.

With the 7th Circuit Court of Appeals upholding the right of the signatories of the treaties of 1837 and 1842 to harvest animals and plants, the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) was created by the tribes to assist them in managing their harvests. As such, the commission operates in advisory capacity to the separate tribes, as broker between the tribes and both state and federal agencies, as a research institution, and most recently, as a publisher. Non-Indians have benefited from this relationship in that both tribal and GLIFWC members sit on state Department of Natural Resources (DNR) committees, joint research has been conducted, and the DNR has cross-deputized GLIFWC wardens (Jannetta, 1992: 80). In 1991 and 1993, *Casting Light Upon the Waters* , a 100-page joint fishery assessment of the Wisconsin ceded territory, a cooperative effort between GLIFWC, Wisconsin Department of Natural Resources, the Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and the six bands of Lake Superior Chippewa Indians, was published.

The research on the populations of harvestable species in the ceded territories permits their advising the tribes on the harvest levels in particular geographic sectors of both terrestrial and marine resources. The GLIFWC has also recently addressed the issue of mercury contamination by developing a series of maps that advise fish consumers of safe consumption levels organized in terms of human age and gender and fish size. It is available in both printed and web form. The GLIFWC is also currently contributing about 25 percent of the data used to evaluate mercury levels in Wisconsin populations of walleye (*Stizostedion vitreum*), the fish species at issue in Great Lakes treaty rights.

“Treaty rights have forced the re-examination of state and local actions with potential impact on the environment. This has fostered links between the tribes and environmental organizations” (Jannetta, 1992: 84). Coalitions have formed to resist a mine at Ladysmith, the White Pine Mine in the Upper Peninsula of Michigan, and the Exxon/Rio Algom proposed mining project near the Mole Lake reservation (see Gedicks, 1993). I have made my own contribution to the environmental efforts in co-authoring two technical reports addressing the potential impact of mining activities on contemporary traditional subsistence activities (Cleland et al., 1995; McClurken and Nesper, 1997).

In their capacity as broker between state and federal agencies, members of the GLIFWC regularly work with these agencies, sharing information on the resources of the region and providing a check on management policy. The United States Forest Service and the Ojibwe within GLIFWC entered into an agreement in December, 1998, that deals primarily with the exercise of the tribes' treaty rights to gather wild plants on National Forest lands within the areas ceded in those treaties. The Memorandum of Understanding also provides an opportunity for GLIFWC to provide tribal input into forest management. This particular program is an example of the heightened consciousness on the government's part in the management of all its resources.

The GLIFWC not only publishes reports on many of the species of fish and game harvested, on the general issue of treaty rights, and on the history of land use, but also on the general condition of the biome. In fact, it is the only agency in the state of Wisconsin doing research on wild rice. A bibliography of nearly three hundred scientific reports is available on the GLIFWC's website (<http://www.glifwc.org>).

There are treaty tribes in Michigan, and the Chippewa-Ottawa Treaty Management Authority plays much the same role as GLIFWC. In the Northwest, the Columbia River Inter-Tribal Fish Commission and the Northwest Indian Fisheries Commission are pioneering these institutional relationships. In all cases, they have had the same salutary effect on both the resources in the area and on the relationship between the Indian and non-Indian communities. Memoranda of understanding currently obtain between four Michigan tribes and the United States Coast Guard, the state of Washington and the tribes over environmental protection, the Lummi Nation and Whatcom County over joint planning, the Puyallup and Pierce County over Cedar River issues, the Quinault Nation and Jefferson County over development, the Skokomish Tribe and Mason County, the Swinomish and Skagit County, and the Suquamish Tribe and the city of Seattle (Anonymous, 1996). There are many others.

INTERNATIONAL EFFORTS

The Mille Lacs case of 1994, that has played such an important role in the thinking and actions of Indian people in the upper Great Lakes area, is the subject of Angela Hoefft's careful consideration of the human rights perspective on treaty rights litigation. She argues that the relationship between the tribes and the United States is improperly understood as a domestic issue by virtue of the fact that this relationship emerged in a global colonial context.

As the anthropological conception of culture was developing over the course of the 20th century, the Wilsonian idea of self-determination would come to be extended to indigenous people, largely due to the decolonization that took place after World War II. This begins with a norm of cultural integrity derived from the 1948 anti-genocide convention that condemns any act "committed with the intention to destroy, in whole or in part, a national, ethnical, racial or religious group as such" (Hoefft, 1995: 6). The 1966 Convention of Civic and Political Rights held that all persons have the right "to enjoy their own culture," and UNESCO would go on to declare the dignity, value, respectability, right to development, and preservation of each culture, and their intrinsic worth as a facet of all of mankind's patrimony. In 1982,

the United Nations General Assembly established the Working Group on Indigenous Populations, and assigned it the task of investigating and establishing a permanent forum for indigenous peoples. The Working Group invited the participation of representatives of indigenous groups in its deliberations. In 1989, the International Labor Organization's Convention Concerning Indigenous and Tribal Peoples in Independent Countries rejected assimilation and called for greater participation of indigenous peoples in their own development, including managing and controlling their natural resources.

The Draft Declaration on the Rights of Indigenous Peoples goes further, proclaiming that "indigenous peoples have the right of self-determination . . . to freely determine their political status and freely pursue their economic, social and cultural development . . . with the States in a spirit of co-existence, mutual benefit and full respect" (Burger, 1996). Though the document is evolving, advancing through the United Nations, and the values it embraces are gaining momentum, as of the time of writing, the convention has yet to be signed by the member states of the UN (see chapter 12).

The hunting, fishing, and gathering rights reserved in so many of the treaties that the United States signed with Indian peoples are addressed in both the International Labor Organization's documents and the Draft Declaration. Article 36 of the Draft reads: "Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements, and other constructive arrangements with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements, and other constructive arrangements. Conflict and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned" (Burger, 1996: 9).

The Draft Declaration has been lauded by American and Canadian native people's representatives present as observers and in a consultative capacity. With the appearance of the declaration, for example, Robert Cruz, representing the International Indian Treaty Council; Grace Smith, of the Four Directions Council, speaking on behalf of the Dine Nation of Arizona, United States; Robert Coulter, representing the Indian Law Resource Center, and the National Congress of American Indians have all supported the involvement of indigenous people at the international level and the creation of a more viable forum within which to seek justice and to arbitrate their disputes with the states within which they reside. In May of 2002, the United Nations Permanent Forum on Indigenous Issues held its first meeting. Among the members, the states which sent observers, inter-governmental agencies, and non-governmental organizations (NGOs), were also the Algonquin of Barriere Lake in Canada, the Big Island Cree Nation, the Mohawk Nation at Kahnawake, Nishnawbe Aski, and the Pueblo of Laguna – all of whom stand in a government-to-government relationship via treaties with either Canada or the United States (United Nations, 2002).

Clearly the Draft Declaration goes well beyond what would be required following the canons of construction in domestic American law, and for that reason, among others, the United States and other States are dragging their feet in responding to the UN General Assembly's desire for a convention to be signed by the end of the Decade of Indigenous Peoples in 2004, especially over the precise meaning of the right of self-determination (see chapter 12). At the December 6, 1999 meeting, for example,

the spokesperson for the Navajo Nation said that by virtue of the treaties signed between the United States and the Navajo, “the United States Government had chosen to relate to the Navajo people on an equal footing” (United Nations, n.d.). In addition to NGOs from Europe, Africa, Asia, and Australia, the meeting was also attended by indigenous and non-governmental organizations in consultative status with the Economic and Social Council. They were represented by observers: American Indian Law Alliance, Indian Law Resource Center, Innu Council of Nitassinan (Innu Nation), International Indian Treaty Council, the Black Hills Teton Sioux Nation, Catawba Indian Nation, Métis National Council, Navajo Nation, and the Upper Sioux Community/Pejihutazizi Oyate – all accredited in accordance with Commission on Human Rights resolution 1995/32 (*ibid.*). Though this is an important step in the direction of giving substance to self-determination, the reader will note that few of the 562 federally recognized Indian nations in the United States were represented. As of early 2004, the last year of the Decade of Indigenous Peoples, the declaration is still under discussion.

CONCLUSION

We need to develop a much fuller understanding of how Indians used the language of forest diplomacy to convince white Americans to respect and protect these other “robust” forms of important tribal rights to cultural survival. We need to test the potential of these reconstructed visions for transforming the present calculus of racial power in America. Most important, we need to begin the process of learning how to nurture the trust that is necessary for Indian tribalism and the dominant white society to survive and flourish together in North America, according to American Indian visions of law and peace. (Williams, 1997: 135)

In addition to 16 students from Bayfield High School, “a great variety of people from Canada and the U.S. . . . came to Madeline Island to *feast the treaties* of the Lake Superior Ojibwe” (Veenendal, 1998; my emphasis). “Feasting the treaties” is more than celebration. Feasts are certainly educational, social, and commemorative of important historical events. But they are more. Feasts are cosmologically reproductive undertakings. They are the means by which human beings honor the spirits of animals and plants. That honoring will be reciprocated in acts of reincarnation on the parts of those spirits. To feast, then, is to participate in the ongoing creation of the world. To “feast the treaties” is to participate in the “making of a new world.”

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Alice Littlefield

Anthropologists have defined education broadly, to include not only the formal school systems of complex societies, but customary modes of rearing children and preparing them for adult roles. In this broad sense, the literature touching on education among North American Indians is very large, with hundreds of books and articles containing at least some reference to these topics. This chapter presents an overview of selected works that have focused on particular themes, and that exemplify some of the theoretical, ideological, and methodological trends prevalent during various periods in American anthropology.

Anthropologists, of course, are not the only scholars to write about American Indian education. Historians, psychologists, sociologists, educators, and American Indians themselves (with or without academic training in one of these disciplines) have contributed significantly to our understanding of the subject. Anthropologists have often worked with others in cross-disciplinary studies, and have drawn on works emanating from other fields for both data and theory. Although this chapter will focus on the contributions of anthropologists, reference will necessarily be made to works by others.

INDIGENOUS CHILD LIFE

Although there was little sustained ethnographic research on indigenous child-rearing in the 19th century, there are scattered references to the subject in the anthropological literature of the later part of the century. Two of the pioneers who focused on this topic were Matilda Coxe Stevenson and Alice Fletcher.

Matilda Stevenson's "Religious Life of the Zuni Child" (1883–84) included descriptions of the customs and rituals surrounding birth among the Zuni and of the two stages of initiation into the Kokko (katsina) society experienced by Zuni boys. In the same decade, Alice Fletcher (and her Omaha consultant Francis LaFlesche, son of an Omaha chief) documented selected aspects of Omaha child-life (1888),

including infant-care practices, hair-cutting styles particular to each clan, children's games and songs, and tales told to children.

Neither Fletcher's account of the Omaha nor Stevenson's of the Zuni drew any general conclusions about indigenous child-rearing practices, nor did they endeavor to fit the data to a particular theory. Underlying much of the contemporary literature, however, were the evolutionary assumptions common to the era, assumptions that drew distinctions between "primitive" and "civilized" ways of doing things. In "primitive" societies, it was commonly observed, parental lenience was common (Pettit, 1946: 6).

In the first half of the 20th century, descriptions of indigenous educational practices based on systematic research became more common (e.g., Parsons, 1919; Grinnell, 1923; Densmore, 1929), and anthropologists also began to consider the data on child-rearing in the light of psychological theories. A survey of the existing literature on American Indian child-rearing was undertaken at mid-century by George Pettit in his *Primitive Education in North America* (1946). This still-useful compendium included data drawn not only from anthropologists but from historians and some of the early American Indian biographies and autobiographies. Using a comparative approach informed by developments in child psychology, he sought to "discover familial and community activities which contribute to the conditioning of personalities and the integrating of individuals into the social pattern" (p. 4).

Pettit devoted considerable attention to discrediting the view of American Indian parents as exceedingly lenient with their children, and of the children as somehow learning adult roles through spontaneous imitation rather than systematic training. He argued that education in North America was a community project in which a variety of relatives and elders participated. Parental indulgence had the effect of creating strong bonds of affection and solidarity between parents and children, while punishment was often referred to other authorities, real or imaginary. Among the alternatives to parental punishment were the assignment of discipline to the mother's brother or father's sister, or to such figures as the masked katsinas of the Pueblos. The endurance tests that were part of the vision quest or initiation ceremonies were also typically imposed by adult guardians other than the parents. Child frighteners, endurance tests, and other such customs had the effect of impressing the desired lessons on young minds, while allowing parents to maintain an encouraging and supportive role.

Pettit pointed out that although children may have had many opportunities to observe and imitate adult activities, much more than imitation was needed to account for the successful mastery of adult work and ritual roles. He points to the frequency with which toy implements were given to children with which to practice, the elaborate praise frequently meted out as incentives for children to engage in desired behavior, the ritual celebration of a child's first food contributions, and the progressive granting of privileges or recognition as young people matured and demonstrated competence in important activities. Ridicule was also used in many forms, by parents and others, to discourage inappropriate behavior, and stories were told and retold about the unfortunate fate suffered by those who violated society's rules.

Pettit's conclusion is that American Indian children learned not by freely imitating what they wished, but through highly structured systems of encouragement, reward, and ridicule designed to socialize them successfully into adult roles. Further support

for these conclusions has been provided by the historian Michael Coleman in his careful analysis of over one hundred American Indian autobiographies (1993: 15–35).

Although parental indulgence may have been characteristic of early childhood in many tribes, Pettit provides numerous examples of apparently arbitrary hardships and restrictions imposed in later childhood, such as bathing in icy waters and denial of the better foods. Such practices may be seen as tests of endurance, but also constituted potent motivations for young people to master and assume adult roles with their concomitant privileges (1946: 53–8).

PERSONALITY AND CULTURE

At mid-century, under the influence of Margaret Mead and other exponents of psychological anthropology, a number of studies focused explicitly on American Indian child-rearing practices and their influence on adult personality. One of the larger research projects influenced by this trend was the Indian Education Research Project, carried out by the Committee on Human Development of the University of Chicago and the United States Office of Indian Affairs (known later as the Bureau of Indian Affairs, BIA). This project was a multidisciplinary one, involving the collection of ethnographic data and the administration of psychological tests to children in six tribes: Hopi, Navajo, Zia, Zuni, Papago (now called Tohono O'odham), and Pine Ridge Sioux. The committee overseeing the research included some of the most prominent anthropologists of the 20th century (MacGregor, 1946: 6), and the study had the strong support of the Office of Indian Affairs. The study was policy-oriented in that it was intended to provide data and analyses that would assist in evaluating the impact of Indian Service policy and in improving the work of the Office of Indian Affairs. It is not clear that the results were ever systematically applied to the administration of federal programs, but the monographs resulting from the study (Thompson and Joseph, 1944; MacGregor, 1946; Leighton and Kluckhohn, 1947; Joseph, Spicer, and Chesky, 1949; Leighton and Adair, 1966) are of considerable interest. Each one begins with a summary of the tribe's history, a description of the contemporary economic activities, and an overview of the group's social organization. These topics are followed by lengthy descriptions of child life from infancy to age 18, based on original ethnographic fieldwork as well as previously published sources. The concluding section of each study focuses on personality development, as gleaned from tests of intelligence, emotional response, and moral ideology.

One of the resulting monographs, Gordon MacGregor's *Warriors Without Weapons*, emphasized the influence of social change among the Pine Ridge Lakota Sioux and what he characterized as the resulting social disorganization of the mid-20th century. With the destruction of the bison-based economy in the late 19th century and the decline of the cattle-based economy of the first two decades of the 20th century, the Lakota experienced considerable poverty in the 1920s and 1930s and became both extensively involved in wage labor (both migrant agricultural labor and work for such government programs as the Civilian Conservation Corps) and heavily reliant on government relief programs. MacGregor described these changing economic conditions as bringing about a high rate of unemployment for men and a

decline in the father's role as teacher of adult occupations; Lakota men had become "warriors without weapons." Another result of social change was the lack of homogeneity in expectations and standards of behavior for youth, exacerbated by the decline of traditional social controls.

According to MacGregor, full-bloods were contemptuous of parents who slapped or hit their children. Rather, they relied on rewards for desired behavior and frightening mythical creatures to discourage undesirable behavior. Children were gradually asked to perform tasks at increasing levels of difficulty, with shame and ridicule used to correct misbehavior and selfishness. MacGregor also found, however, that parental criticism and ridicule were less powerful than in the past, and that poverty, social conflict, and changing attitudes were conducive to group and individual insecurity.

MacGregor was among the first scholars pointing to cultural discontinuities between home and school as contributing to low scholastic achievement. In school, the children MacGregor studied found the use of competitive methods by teachers confusing, and often responded by withdrawing and refusing to participate. Excelling to the disadvantage of others contradicted what they had been taught at home. Also, being shamed or ridiculed by teachers in front of other children was resented. Suppression of emotion and refusal to respond were also characteristic expressions among adult Lakota, used to avoid loss of self-respect before outsiders.

With regard to psychological testing, MacGregor concluded that the children tested saw the world as dangerous and hostile. Children reported many experiences of fights and physical aggression, and MacGregor observed a high incidence of factionalism and alcohol abuse among adults in the community. The positive experiences children reported occurred almost exclusively among relatives, with the family constituting a haven and source of pleasure for them.

MacGregor attributed the personality characteristics of the children tested to the economic and social disorganization he believed to be prevalent among the Pine Ridge Sioux, concluding that: "The unfriendly environment, which offers so little opportunity or satisfaction, retards the growth of personality and prevents it from becoming positive, rich, and mature. Life is lived on the defensive" (1946: 209). In his view, the fundamental need at Pine Ridge was a way of life that would provide personal security. Redevelopment of the cattle economy and local self-government, he believed, would re-establish roles for men as providers and leaders, and thereby establish conditions for people to develop a sense of confidence and personal security.

Leighton and Adair's study (1966) of Zuni children, by contrast, reflected a very different tone. By the mid-1940s, the combination of traditional agriculture, sheep-herding, and jewelry production had brought considerable prosperity to the pueblo. Within the community, a high value was placed on work and industry, and on cooperative effort.

The child-rearing customs they reported corresponded well to the reports of earlier observers: common use of ridicule, scolding, and frightening figures in preference to physical punishment, though some parents did resort to the latter. As with the Lakota children studied by MacGregor, results of psychological testing revealed an emphasis on family solidarity, but with closer father-child ties. The children were especially sensitive to two aspects of interpersonal relations: the sort of impression one makes

on others, and marked dislike for aggression. Compared with the Pine Ridge children, however, the Zuni children were less fearful of aggression by others, a result which was attributed to the strong social pressures against in-group aggression at Zuni (Leighton and Adair, 1966).

In spite of the generally positive evaluation of the Zuni data by the authors, some of the information they included in their study raises questions about their conclusions. They reported, for example, that on the return of some two hundred veterans in the aftermath of World War II, internal aggression in the village spiraled upward, manifesting itself in drunkenness, witchcraft allegations, political feuding, and vicious gossip, phenomena similar in some respects to those observed at Pine Ridge by MacGregor. Nevertheless, Leighton and Adair found that “Zuni children appear to be, on the whole, extremely well adjusted and self-sufficient” (1966: 120), an image contrasting significantly with MacGregor’s portrayal of anxious, defensive, and withdrawn Pine Ridge children.

Methodological problems of the studies carried out by the Indian Education Research Project include small sample sizes, application of personality testing in the child’s second language or in translation, and uneven response rates, all of which make intertribal comparisons problematic. These studies also share some of the general limitations of the culture and personality approach in anthropology at the time, such as according excessive importance to early infant experiences and the tendency to generalize about societies on the basis of limited data. On the other hand, they made some significant contributions in pointing to the variability in child-rearing and personality characteristics not only between tribes but within tribes, including variations along lines of gender, economic status, and degree of acculturation.

The Indian Education Research Project made use of schools in order to draw samples of children of selected ages and to apply the psychological tests used, but there is very little school ethnography in these studies. Later generations of scholars were to concentrate much more directly on what happened in school classrooms. The legacy of these studies can nevertheless be seen in the emphasis placed by later scholars on cultural discontinuities in child-rearing between home and school. The applied emphasis in these studies also foreshadowed later ethnographies of schooling, research discussed later in this chapter.

One of the notable features of the studies of indigenous child-rearing reviewed above is the significant role played by women researchers in an era when American anthropologists were predominantly male. Studies of women and children were considered an appropriate domain of fieldwork for women, a pattern that was to prevail in the discipline well into the second half of the 20th century.

AMERICAN INDIANS IN SCHOOLS: EDUCATIONAL POLICY

Some 19th-century anthropologists had strong opinions about the necessity for American Indian youth to be exposed to education in the ways of the dominant society. In the closing chapter of his voluminous study, *The League of the Ho-de-no-sau-nee, or Iroquois*, Lewis Henry Morgan addressed himself to the future of the Iroquois peoples and the contemporary problems facing them in the mid-19th

century. For Morgan, the solution was education: "There are but two means of rescuing the Indian from his impending destiny; and these are education and Christianity. If he will receive into his mind the light of knowledge, and the spirit of civilization, he will possess, not only the means of self-defence, but the power with which to emancipate himself from the thralldom in which he is held" (1962: 447–8).

Alice Fletcher held similar views, using her connections with influential Washingtonians to push the importance of formal schooling for Indian youth. Unlike Morgan, who favored bringing schools directly into Indian communities, Fletcher strongly supported off-reservation schooling. She was directly involved in influencing federal policy through her voluminous study, *Indian Education and Civilization*, prepared for the U.S. Congress in 1885–86 and published in 1888. In it, she provided a highly critical review of Indian schooling in the colonial and early republican periods, documenting the many obstacles and inadequacies that accompanied the educational endeavors of that era. Nonetheless, she was strongly supportive of the educational model established by Col. Richard Pratt, founder of the first federally administered off-reservation boarding school for Indian children at Carlisle, Pennsylvania. Fletcher had become acquainted with Pratt in 1882. That spring, she escorted 38 Carlisle students returning to the Pine Ridge and Rosebud reservations, and during her summer of research among the Omaha she recruited 26 young people to attend Carlisle. Fletcher occasionally spoke to the student body at Carlisle, published articles in the school's newspaper (distributed nationally to both former students and influential politicians), raised private contributions for Carlisle, and lobbied Congress for increased support for the school (Mark, 1988).

Although anthropologists such as Fletcher may have influenced federal policy, scholarly studies of federal efforts in Indian education were left largely to other disciplines until recent decades. Historians and biographers have provided valuable studies of federal educational policy in general, as well as accounts of specific schools (e.g., Pratt, 1964; Szasz, 1974; Trennert, 1988). Some landmark government studies also provide considerable insight into what were regarded as the successes and failures of federal educational policy in particular periods. Especially important among these are Lewis Meriam's *The Problem of Indian Administration* (1928; commonly known as the Meriam Report), which revealed widespread problems of underfunding, poor health conditions, and irrelevant educational programs throughout the federal boarding school system; and *Indian Education, a National Tragedy, a National Challenge*, a study conducted by the U.S. Senate Committee on Labor and Public Welfare (1969), chaired by Edward M. Kennedy, documenting the continuing failure to adequately educate native children in the latter half of the 20th century.

Much of the published literature on Indian education has focused on the large off-reservation residential schools maintained by the U.S. government and overseen by the Office of Indian Affairs, beginning with the founding of the Carlisle Indian School in 1879, and eventually expanding to include dozens of other off-reservation schools. These studies have given us a good understanding of school organization, curriculum, relevant ideologies, and the day-to-day practices and relationships in these schools. During the years between 1879 and the 1930s, the boarding schools were a central focus of policy for the Office of Indian Affairs. The schools were an explicit part of the policies of assimilation that were imposed during that era. Residential schools were encouraged in order to disrupt the transmission of language and

life-ways from Indian parents to their children, thereby more easily instilling the ways of the dominant society. There was also considerable emphasis on vocational training, in agriculture and manual trades for boys, in domestic skills for girls.

Carlisle, the flagship school in the system, was located on the premises of a former military base. Schooling there, and subsequently at all the other residential schools in the federal system, was modeled to some degree on military life, with uniforms, marching, regimentation, and rigid discipline. Indian agents and tribal leaders were pressured to recruit students for the schools, and in some cases coercion was used to round up children for these institutions. Native languages, religions, dress or hair-styles were generally prohibited, and corporal punishment was common. Acute homesickness afflicted many children and running away was a frequent response. Medical care and nutrition were often deficient, with high rates of disease and mortality among the students, especially during the late 19th century.

Given these characteristics, it is not surprising that these schools have been widely excoriated in the literature as “debilitating examples of coercive acculturation” (McBeth, 1983: 3), ranked with land allotment and tribal termination as policies principally responsible for undermining the welfare of indigenous peoples. Assessments of these schools among contemporary American Indians and scholars have been quite negative, especially in terms of their destructive effects on indigenous cultures and communities. Detailed investigation of the schools from the point of view of former students, however, was not undertaken until the 1980s and 1990s. Using primarily oral history methods, supplemented by archival research, scholars began to describe a puzzling paradox: former students often expressed positive attitudes toward these schools and even protested when such schools were closed. What could explain this apparent paradox?

EDUCATION AND ETHNIC IDENTITY

Sally McBeth’s study of boarding school experiences in Oklahoma (1983) was a pioneering work in looking at the school experience from the point of view of former students rather than that of administrators or policymakers. At the time she began her research in the 1970s, many of the off-reservation boarding schools had been closed and such institutions were widely viewed in negative terms. Among the Oklahoma Indians with whom McBeth was acquainted, however, attitudes toward the schools were considerably more ambiguous, including both positive and negative views.

Using the approaches of symbolic anthropology in defining culture as a system of interrelated symbols and shared beliefs, McBeth analyzed the role of the boarding school system in forming American Indian ethnic identity. Ethnic identity for American Indians, she argued, is formed around enduring symbols of collectivity and belonging. In Oklahoma, these involved several dimensions: tribal membership, historical alliances, and pan-Indianism, the last resulting among other things from tribal mixing in Oklahoma (an area of relocation for both eastern and western tribes), urban migration, and, perhaps unexpectedly, common boarding school experiences. Most of the off-reservation schools drew students from several tribes and reservations and were a common part of childhood experience for Indian children growing up in Oklahoma from the 1880s to the 1950s.

McBeth found that in many cases Indian families had encouraged their children to attend boarding schools. Some did so because of severe poverty or the death of a parent; other families hoped their children would learn skills useful in the white-dominated economy. For some families and sometimes for the children themselves, however, discrimination in the public schools and a chance to be in an all-Indian environment were sufficient attractions.

McBeth drew on the theoretical approaches of Clifford Geertz and Victor Turner to analyze the meaning of the boarding school experience to the Oklahoma Indians she interviewed. For them, the boarding school is a unique and central symbol “which represents various facets of their continuing sense of identity” (1983: 113). The emotionality and multiple meanings of shared memories, a mixture of pain and pleasure, allow for several uses important to continued ethnic identity. The boarding school represents separation from white society and resistance to values seen as anti-Indian, while also operating as a symbol of both government control of and obligations toward Indian people. The boarding school provided a setting for the development of camaraderie across tribal boundaries, promoting pan-Indian sentiment. It also became a symbol contributing to cohesion, both for those who regarded their experiences negatively and those who had positive memories. McBeth concludes: “It is precisely this ambiguity which invests the boarding school with its strength as a diversely powerful, effective, cultural symbol. Based on an ideology of separation, new meanings have been generated: from its assimilationist beginnings, it has evolved to express a dynamic ethnic identity and sense of Indianness” (1983: 148).

Tsianina Lomawaima’s study of the Chilocco Indian School in Oklahoma (1994) elaborates on themes of identity and ethnicity, focusing on how peer groups within the school forged bonds relevant to ethnic identity. Although primarily from the Southern Plains, Chilocco students came from many different tribes and language groups. School experiences not only contributed to pan-Indianism, but also, through the competition of gangs and cliques, reinforced identities along lines of tribal membership, region of origin, native language ability, and perceived degree of racial mixture. Hostilities among boys’ gangs were especially important in maintaining such distinctions in the middle grades, whereas older students were more likely to form friendships across such lines.

The Indian identities forged in the boarding schools, tribal or pan-Indian, may have drawn on indigenous cultural elements or practices, but they also incorporated elements originating in the boarding schools themselves, and shaped the meanings of the schools to ends not envisioned by policy-makers and school administrators. Littlefield (1989) suggested that the sports programs of the boarding schools contributed to a new Indian identity and sense of Indian pride, a theme explored in detail in John Bloom’s study, *To Show What an Indian Can Do* (2000).

Bloom describes how competitive sports became important in American Indian life before the turn of the 20th century, with boarding school teams playing a prominent role in the popularity of athletics. The football team developed at the Carlisle Indian School, under the direction of coach Glenn S. “Pop” Warner, became especially well known during the early 20th century, when such legendary players as Jim Thorpe and Gus Welch led Carlisle against nationally prominent teams from Harvard, Army, and Yale. After Carlisle’s closing in 1918, Haskell Indian School in Lawrence, Kansas, emerged as a football powerhouse with an avid following among Indians nationwide.

Sports became a significant symbol of ethnic pride, dramatically expressed in the Haskell Homecoming of 1926. The new 10,500-seat stadium had been built with the contributions of thousands of Native Americans, and the pageantry accompanying the homecoming dramatically expressed the ongoing construction of Indian identity through what was advertised as the biggest powwow in history. The displays of dances and regalia were variously portrayed in the non-Indian media as exotic or even dangerous, but were obviously an important expression of Indian identity for the participants.

Enthusiastically embraced by boarding school students and other Indians, athletic programs were viewed ambivalently by school administrators. At Carlisle, Col. Pratt had reservations about the violence involved in football, but also used the school's athletic prowess in his public relations efforts to garner political and financial support for the school. Ultimately, the Bureau of Indian Affairs moved to downplay interscholastic sports competition in the schools and to place more emphasis on intramural sports. Haskell dropped out of college competition altogether in 1939, a move protested by many alumni for whom football had become associated with Indian pride.

Although the intent of federal policy in Indian education was assimilation of American Indians into the dominant society, a number of authors found that the boarding schools contributed to the survival of reconfigured Indian identities, on both tribal and national levels. Sociologist Joane Nagel (1996) takes this argument a step further, contending that assimilationist policy contributed to the resurgence of American Indian ethnic identity that gathered strength in the Red Power movement of the 1960s and 1970s and has persisted, albeit with less publicity, into the present. An unintended consequence of forced schooling, along with the urban relocation program of the 1950s, was to sow the seeds of future mobilization. The occupiers of Alcatraz in 1969, the BIA offices in 1972, and Wounded Knee in 1973 included many urban Indian youth, some of them college-educated, of very diverse tribal origins. The high-profile protests were one expression of pan-Indianism, an expression which depended heavily on members' familiarity with and ability to communicate in symbols meaningful to Indians of diverse tribal origin as well as to Anglo-Americans. These developments, far from undercutting tribal identities, also contributed to the revitalization of culture and community at the tribal level. The kinds of legislation won during the 1970s addressed problems that were central to such revitalization: self-determination, local administration of federal programs, bilingual education, ending the placement of Indian children in white foster homes, and religious freedom.

DOMINATION AND RESISTANCE

The theme of resistance to domination has been explored in many of the studies of the residential schools (McBeth, 1983; Littlefield, 1989; Coleman, 1993; Lomawaima, 1994; Adams, 1995; Child, 1998). They provide extensive accounts of the multitude of ways young people sought to resist and subvert the domination imposed on them. Running away, stealing food, clandestine violations of restrictions on boy-girl interaction, and a myriad of other forms of resistance are abundantly documented

in these studies. Littlefield (1989) argued that these autonomous, self-constitutive, and often collaborative acts accounted for many of the feelings of pleasure expressed by former students in reminiscing about their school days.

Lomawaima explores this theme in more detail, emphasizing the gendered character of the domination experienced in the federal boarding schools. At Chilocco (and generally in these schools), girls were more restricted and more closely monitored than boys, with less freedom of movement and stricter codes of dress and deportment: “Federal vocational and domestic education for Indian women was an exercise in power, a reconstruction of her very body, appearance, manners, skills, and habits. Federal educators hoped to manufacture civilized and obedient souls in civilized and obedient bodies, uniformly garbed in olive drab or snappy gray” (1994: 99). The bodily disciplines to which girls were subject included more detailed requirement with regard to dress than those observed by boys: standardization of haircuts, prohibitions on makeup, and conformity to required posture. The matrons even kept track of the girls’ menstrual periods.

The girls, however, found multiple ways to resist and subvert the regimentation imposed on them. Such practices were collaborative, drawing students together as it pitted them against the system. A widely shared Chilocco legend has to do with how girls managed to evade rules requiring the wearing of bulky bloomers under their clothing when attending dances or parties with boys. In Lomawaima’s words, the bloomer story celebrates “student triumph over a uniform(ed) existence” (1994: 98). She cites Foucault’s assertion that in systems of corrective detention, the body is always at issue – its utility, docility, and submission (p. 228).

Bloom’s work explores related issues of bodily discipline and resistance in the case of boys. He points out that the rationales for educating Indians in boarding schools contrasted “lurid images of sexual and bodily freedom” (Bloom, 2000: 8) with the civilized and disciplined deportment of transformed Indian youth. For the boarding school administrators, sports provided an opportunity to demonstrate racial transformation through public display of discipline and control. “Pop” Warner, Carlisle’s famed football coach, wrote about his athletes as overcoming great odds through discipline, character, and resolve. But sport in the early 20th century was also spectacle. Popular representations of athletic contests were more likely to use images of “Redskins versus Palefaces,” updating the myth of the savage by reducing the Native American athletes to manageable stereotypes (see chapter 18).

In the 1930s and 1940s, boxing was immensely popular in the boarding schools and was associated with themes of racial pride similar to those connected with football at an earlier date (Bloom, 2000: 61–75). Both sports were intensely masculine and physically violent, constituting vehicles not only for discipline and character development, but for competitiveness, solidarity, and a sense of power. Athletic contests were also an escape from the regimentation and confinement of boarding school life, and are among the fondest memories of former students. In various ways sports constituted a site of both accommodation and resistance.

Some of the boarding schools also promoted physical exercise for girls, but such activity was likely to consist of calisthenics or other relatively restrained and non-competitive activities (Lomawaima, 1994). Where girls did become involved in competitive play, they found these activities a source of pleasure and pride

(Hyer, 1990). Female students also derived a sense of empowerment from the athletic successes of male students (Bloom, 2000: 68–9).

SCHOOLING AND WORK

As with the modes of discipline and the athletic activities discussed in the previous section, the vocational instruction imparted in the schools also illustrates the gendered shaping of young minds and bodies. All of the schools in the federal boarding school system adopted the approach to vocational instruction pioneered by Col. Pratt at Carlisle, with students in the middle grades and above spending half their time in academic instruction, and the other half in work activities designed to teach skills to be used in adult life. In most schools these consisted of instruction in domestic skills for girls (cooking, cleaning, sewing, laundering), and in agricultural or industrial trades for boys. These work activities were intended to prepare students for adult roles as breadwinners (male) and housekeepers (female), but student labor also contributed significantly to the support and maintenance of the schools. This latter reality was an important factor in structuring the ways vocational education was imparted in the boarding school system.

Younger students seldom had a choice about work assignments. Typically, they were assigned to specific tasks in accord with age and experience, and then rotated after a few weeks or months to other assignments. Older students were more likely to have some choice of advanced training in specific skills.

Regardless of what other trades were taught, the schools depended heavily on student participation in agricultural production to supply meals to the students. For this reason most of the schools continued to place agriculture at the heart of their vocational programs for boys until long after the majority of working Americans had been drawn into industrial and urban employment. In a similar way, the other trades taught were linked to school maintenance: carpentry, painting, baking, and tailoring for boys; cooking, sewing, cleaning, and laundry for girls.

Lomawaima (1994) and Littlefield (1996) have pointed out that much of this training was obsolete and irrelevant to the economy of the day. The work regimes had less to do with teaching specific occupational skills than with inculcating speed, punctuality, efficiency, and subservience. Often the work assigned was simple drudgery, pursued far beyond the point of mastery adequate for the job market of the day. Many, perhaps the majority of, boarding school graduates later worked in fields other than those in which they had been trained. In the 1920s the schools were criticized for relying too heavily on student labor and teaching skills that had little application in the contemporary job market or on the reservations from which students came (Meriam, 1928).

In spite of these deficiencies, students often credit the schools for having taught them how to work. School routines were effective in inculcating the generalized habits and dispositions expected of workers in the late 19th and early 20th centuries: punctuality, obedience, and ability to perform routinized tasks.

Along with training on school premises, many students participated in the “outing system.” Initiated at Carlisle, this practice was later adopted at many of the other

schools in the federal system. Genevieve Bell provides an extensive description of how this program worked at Carlisle (Bell, 1998). Indian students were placed in the homes of white families to work, especially in the summers but sometimes for longer periods. To Pratt, this experience would further assimilate young Indians into “civilized” society, under the tutelage of white families carefully screened for their character and ability to supervise adequately their charges in accord with Carlisle’s standards. Students were usually paid small amounts for their work, in addition to receiving room and board. For boys, most of these placements involved farm work; for girls, domestic labor.

Non-farm placements were also made. Girls were sometimes sent to non-Indian institutions for nursing or teacher training. Boys were placed as tailors, bakers, retail clerks, and in other positions. One of the more interesting experiments along these lines was the placement of Carlisle students as apprentices with the Ford Motor Company in the Detroit area in 1915. Sixty-eight Carlisle students eventually participated in the Ford program, making it the largest of the industrial programs.

For students, the outing experience often involved hard work and abuse by employers. Students were required to observe strict rules governing everything from social interaction outside the employer’s home to personal hygiene. Rebellion against such conditions was not uncommon. Students ran away from abusive employers, or sometimes demanded and got transfers to better placements (Bell, 1998; Child, 1998).

Whatever the intentions of those who designed the vocational training and outing programs, they tended in some cases to become conveyor belts for channeling cheap Indian labor into largely low-paid work. Between 1900 and 1920, boarding school outing programs became more closely articulated with the expanding market for seasonal labor, especially in the rural West. The emphasis on work placements increased under the administration of Francis E. Leupp, Commissioner of Indian Affairs from 1905 to 1909, with crews of Indian students frequently organized to work in seasonal agricultural labor (Littlefield, 1993).

The gendered character of vocational training is abundantly described in the boarding school studies. From the beginning, policy-makers saw educating girls as equal in importance to educating boys, for it was girls who, as mothers, would domesticate and civilize the next generation. Training in domestic tasks went beyond simple mastery of particular skills to include such details as the posture to be assumed when sewing (Lomawaima, 1994: 93–4). The vocational instruction, along with wearing uniforms and daily marching, was part of the bodily disciplines designed to produce conformity to Victorian ideals of womanhood.

Although the boarding schools operated by the Office of Indian Affairs were subject to a common set of policies established by bureaucrats in Washington, the accumulating studies of the schools also indicate the limits of generalization. There were significant variations in how students experienced these schools, variations related not only to gender but to time period, tribal origin, geographic region, degree of isolation from Anglo society, exposure of students to previous schooling, and many other factors.

THE ETHNOGRAPHY OF SCHOOLING

In the second half of the 20th century, anthropologists began to apply the classic ethnographic methods of systematic observation and interviewing to classroom interaction. Studies in education and culture were part of the developing field of applied anthropology, providing not only descriptions and analyses of Indian schooling but recommendations for its improvement.

Among the pioneers in this area were Murray and Rosalie Wax, who together with Robert Dumont conducted ethnographic research in the day schools on the Pine Ridge (Lakota) reservation in the early 1960s (Wax, Wax, and Dumont, 1964). Unlike the earlier studies of personality development carried out by the Indian Education Research Project, described above, this study focused on classroom interaction, among students and between students and teachers, and on the attitudes and ideologies of teachers, parents, and children. Theoretically, the researchers set out to explore and evaluate three possible reasons for low academic achievement by the Lakota children: cultural disharmony between home and school; lack of motive or an unappealing curriculum from the point of view of the children; and Lakota desires to preserve their identity. Their conclusions found some support for these hypotheses, but emphasized other factors which their observations led them to believe were more important.

In particular, the study concluded that peer relations had a significant effect on school achievement. Parents complained far less about teachers and administrators, or about the imposition of alien ways of life, than about the physical aggression and verbal abuse inflicted on children by their peers. It appeared that almost no child escaped severe beatings and merciless teasing in school, and that such abuse was the most common reason for poor attendance or students dropping out of school altogether.

Isolation and the lack of communication between school personnel and parents was a major obstacle to improving education. Most of the teachers had little knowledge of the community or the culture, a situation which had been exacerbated by the shift from one-room local schools to larger consolidated schools to which children were bused daily. Also evident in classroom interaction was the inability of Anglo teachers with no knowledge of the Lakota language to influence peer interaction. Children used Lakota, among other things, as a means of excluding teachers and administrators and undermining educational goals. Teachers tended to blame school failure on parents and inadequate home life rather than on their own practices. Conversely, most parents wanted their children to do well in school, but did not know what they might do to assist them.

The authors concluded their study with a series of recommendations, placing the greatest emphasis on involving parents in the schooling of their children, transferring greater control over the school system from the Bureau to the community, and hiring more local people as teachers. These recommendations are similar to those made by King in his ethnographic study of a Yukon boarding school (1967).

Susan Urmston Philips's study of schooling on the Warm Springs reservation in Oregon, *The Invisible Culture* (1983), constitutes another important contribution to

anthropological research on American Indian education. In contrast with the Waxes and Dumont, Philips stressed cultural discontinuities between community and school as contributors to school failure. Drawing on the approaches of symbolic interactionism and language socialization research, Philips focused on face-to-face communication in the community and classroom. She also sought to conceptualize the school experiences of Warm Springs children as embedded in power relationships. Her methods consisted of systematic observations of Warm Springs school children at the first and sixth grade levels, and Anglo school children at the same levels in a nearby community. Classroom observations were supplemented with interviews and community ethnography. At the time the research was carried out (1969–71), interaction of reservation residents with Anglos was largely limited to commercial transactions and the schoolroom.

Philips found that in their pre-school years Warm Springs children were enculturated into modes of verbal and non-verbal communication different from those learned by Anglo children. In pre-school learning, there was more emphasis on visual than auditory reception, with children learning many tasks by observation. There was also greater emphasis on socialization for physical activity than for verbal interaction. Social control over children was diffused among a number of adults, and children were commonly corrected in private rather than in front of others. Groups of children engaging in misbehavior were held collectively accountable, encouraging cooperation and self-regulation of behavior in peer groups.

In verbal interaction among Warm Springs adults, economy of speech and evidence of forethought were paramount. Compared with Anglos, there was less gazing into the face of the person addressed, speech was slower, and voices were not raised to express anger. Appearing to know more than others was unseemly by Indian adult standards, as was interrupting others and talking out of turn.

In the classroom, Indian children conveyed attention differently than Anglo children. They looked at the teacher less, nodded in agreement less, competed less for the teacher's attention, and interjected fewer comments ratifying what the teacher said. They also responded less to teachers' questions and were unwilling to attract attention to themselves. Anglo teachers tended to perceive these behaviors as signifying inattention, and responded by speaking louder and gazing more at the child, perceived by the children as signs of hostility. Also problematic were the teachers' efforts to apply discipline by singling out individual children for either praise or punishment.

In terms of classroom participation structures, Warm Springs sixth-graders worked more effectively at group projects than Anglo children, completing them in the time allotted with less disagreement and less teacher intervention. They also displayed a definite preference for team sports on the playground. Participation structures requiring individual performance in front of the whole class were the least preferred by Indian children.

Cultural differences in childhood socialization were not taken into account by Anglo teachers or administrators in the development of school curricula and teaching methods. Philips concluded that, even had they attempted to do so, there were "crucial aspects of culturally distinctive communicative behavior that cannot be readily internalized by Anglo teachers" (p. 130), even when well-intentioned. As with the Waxes and Dumont, Philips recommended hiring more Indian teachers. She

also argued for more culturally relevant curriculum materials, and adaptation of teaching methods to the participation structures preferred by Indian children (e.g., team projects).

EDUCATION AND EMPOWERMENT

Since the 1970s, tribes have gained increasing control over their children's education, partly in response to such federal legislation as the Indian Education and Self-Determination Act of 1975. Many tribes and Indian communities now operate their own schools, sometimes through contracting with the Bureau of Indian Affairs, sometimes with state or tribal funding. In public schools with mixed student bodies, funds from the federal Department of Education are allocated to meet the needs of Indian students. Schools still operated by the BIA have parent advisory committees and practice Indian preference in hiring teachers. Although the programs launched in these settings are exceedingly diverse, a common goal almost everywhere has been to incorporate indigenous culture and language into the school curriculum, an important facet of recent cultural revitalization (see, e.g., McLaughlin, 1992). An expanding number of tribal colleges has also contributed to the training of indigenous educators.

Today, the majority of American Indian children in the United States attend public schools where they usually constitute a small minority. The problems of improving education in such settings are different from and often more difficult than those faced by schools with a majority of Indian students. In most off-reservation public schools, indigenous language use is rare and Indian children may come from several different tribal backgrounds. In such settings, acknowledgment of indigenous languages and cultures is likely to occur, if at all, in separate culture and history classes for Indian children or in a limited amount of multicultural content in the general social studies curriculum.

In at least one case, Indians have returned to an earlier model in order to provide a culturally relevant education: the residential school. In 1981 the Santa Fe Indian School, a formerly BIA-operated school, was reopened as a contract school under the control of the All Indian Pueblo Council. Under Indian control, the school emphasized both Indian heritage and academic excellence, establishing a chapter of the National Honor Society in 1982 and encouraging students to pursue a college preparatory curriculum (Hyer, 1990).

It is clear from the developments of recent decades that there is no single model for school success in Indian America. American Indians are too diverse for this to be possible, though ongoing experimentation and research have identified some successful avenues of reform.

Along with the reassertion of indigenous control and influence in education has come the expansion of educational research by indigenous scholars, much of it reported in the *Journal of American Indian Education*. Research by non-Indian scholars has become increasingly collaborative, including community members and indigenous teachers as members of research teams. Tribes have also asserted greater control over the conditions under which research can be conducted in their communities (Lomawaima, 2000). Although non-Indian scholars have not been excluded

from research, it is clear that indigenous communities want research that is respectful of their heritage as well as providing results useful in their ongoing efforts to improve their children's education.

Until the latter part of the 20th century, many anthropologists defined their task as documenting indigenous ways bound to disappear under the steamrollers of assimilation and modernization. Current work, both in American Indian studies and in other fields of anthropology, is having to take account of the persistence of difference and the reassertion of distinctive cultural identities. In spite of far-flung migration and long exposure to Euro-American ways, indigenous peoples throughout the hemisphere are finding new ways to maintain ties to community and culture: telephone, print, video recordings, radio, and the Internet. There will continue to be an important place for anthropological approaches in documenting and facilitating these developments.

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PART

V

**Cultural Politics and
the Colonial
Situation**

Pauline Turner Strong

Representations of American Indians as stereotypical “others” have circulated widely in Europe, the Americas, and beyond since the earliest reports of Columbus’s voyages. Building on classical, medieval, Renaissance, Enlightenment, Romantic, and modernist tropes of the “natural,” the “wild,” the “savage,” the “barbarous,” the “heathen,” the “primitive,” the “tribal,” and the “free,” these representations have spread from travel and colonial literature into an ever-widening set of cultural domains. These include theology and philosophy; law, policy, and philanthropy; art and architecture; public monuments, museums, and spectacles; history and anthropology; fiction, drama, and children’s literature; sports, games, and youth organizations; photography, film, and websites; advertising, tourism, and gaming. With the growing prominence of Native American intellectuals, artists, and activists during the last quarter of the 20th century, representations by cultural outsiders have been criticized, subverted, and supplemented, if not replaced, by Native American self-representations. Nevertheless, certain representations of American Indians dating to the earliest colonial encounters have been remarkably persistent.

Anthropology and its predecessor, ethnology, have been central to the production and circulation of representations of North American Indians. The discipline has also come to play an increasingly important role in the critical analysis of these representations, as well as in the study of representations of American Indians in public culture. This chapter is concerned with each of these relationships of anthropology to the represented Indian. The first section considers early studies of anthropological “images” of North American Indians and the development of a crisis of representation in the discipline. The next section analyzes recent developments in the concept of representation, as well as the deployment of this concept in critiques of anthropological research and writing on Native North America. The final section surveys ethnographic and ethnohistorical scholarship by anthropologists on representations of American Indians in public culture. This section highlights theoretical, methodological, and substantive contributions of anthropology to the broader interdisciplinary literature, and offers suggestions for further research.

The study of representation has flourished in the interdisciplinary environment of American studies, Native American studies, cultural studies, postcolonial studies, and women's studies. Due to the nature of this volume, this chapter privileges scholarship emerging from or directly related to anthropology (especially cultural anthropology) and the closely allied fields of folklore, ethnohistory, and museum studies. Recent contributions to the broader literature on representation (including literature on indigenous peoples of Latin America) are listed below under "Further Readings." (See also Bataille, 2001; Bird, 1996; P. J. Deloria, 1998; Faris, 1996; Kilpatrick, 1999; Strong, forthcoming; and Washburn, 1988).

As the Anishinaabe and "crossblood" scholar Gerald Vizenor has pointed out, "the *indian* is an occidental misnomer, an overseas enactment that has no referent to real native cultures or communities"; it is, in short, a "simulation and ruse of colonial dominance" (1999: vii). Accordingly, this chapter reserves the term "Indian" (and, for a similar reason, "Eskimo") for representations, and uses tribal designations or the collective terms "Native" and "Native American" to refer to indigenous people themselves. Exceptions include quotations, the titles of publications, and the names of organizations.

ANTHROPOLOGY AS "THE INDIAN'S IMAGE-MAKER"

With a few exceptions – including, most significantly, A. I. Hallowell and museum-based anthropologists such as Christian Feest, Rayna Green, and William Sturtevant – anthropologists have been relative latecomers to the analysis of representations of North American Indians. This area of study first emerged in the fields of literary and intellectual history, notably with the publication in 1953 of Roy Harvey Pearce's *The Savages of America* (reissued in 1965 as *Savagism and Civilization: A Study of the Indian and the American Mind*). Along with other intellectual historians of his time Pearce assumed a degree of cultural homogeneity and consensus that would seem improbable to contemporary students of culture. Nevertheless, he anticipated contemporary approaches to the construction of identity and otherness in his analysis of the Indian as a figure who "became important for the English [colonial] mind, not for what he was in and of himself, but for what he showed civilized men they were not and must not be" (Pearce, 1965: 5).

Pearce is known primarily for his interpretation of literary representations, but *Savagism and Civilization* also considers the work of such ethnologists as Henry Rowe Schoolcraft and the early Lewis H. Morgan. For Pearce, the "idea of savagism" as a "morally inferior and historically anterior" state of hunting and warfare (p. 105) culminated in the studies of these ethnologists. Culminated, that is, in both senses: while the idea of savagism (which we would now, more precisely, call an ideology, discourse, or paradigm) generated Schoolcraft's and Morgan's systematic investigations of Native American cultures, the complexity and diversity their research revealed undermined the idea of savagism itself. Ultimately this led to the development of new interpretive frameworks centered around the concept of the primitive (see also Klein, 1997).

Pearce opened up a productive area of inquiry that was eventually followed by major works in literary studies, history, and art history, often in conjunction with

commemorative events such as the U.S. Bicentennial and the Columbian Quincenary. An interdisciplinary collection, *First Images of America*, is notable for including one of the first major studies of visual representation by an anthropologist, William Sturtevant (1976), as well as contributions by Hayden White (1976) and Stephen Greenblatt, whose approaches to historical and literary representations have become central to interdisciplinary scholarship. Another volume published at approximately the same time, Hugh Honour's *The New Golden Land: European Images of America from the Discoveries to the Present Time* (1975), offers a visual survey of representations of America and its inhabitants in drawings, paintings, sculptures, and collections. The scope of this volume is both stunning and instructive: because Honour (like Sturtevant) considers the entire hemisphere, the volume reveals continuities and contrasts in visual representations that are often obscured in more geographically constricted scholarship. Also like Sturtevant, Honour considers both the symbolic significance of visual representations and their ethnohistorical significance. John White's drawings and watercolors of 16th-century Virginia Algonquians are a case in point: the source for widely reproduced engravings by Theodor de Bry and, three centuries later, for Disney's cartoon images of Pocahontas and Powhatan, they also offer valuable ethnographic information (see also Feest, 1967; Strong, 1998).

Of several historical studies published in this period, Brian Dippie's *The Vanishing American: White Attitudes and U.S. Indian Policy* (1982) is particularly significant for anthropology. Focusing on a later period than Pearce, Dippie traces the relationship between, on the one hand, removal and reservation policies and, on the other, the widespread belief that Native Americans were doomed to vanish. As Randall McGuire has shown, the pervasive trope of the "vanishing Indian" helps to explain both the curious attribution of Mississippian mounds to a pre-Indian population and the disregard for descendant communities on the part of many archaeologists (McGuire, 1997). The trope of the vanishing Indian is central to what Johannes Fabian (1983) has called "allochronism," i.e., the representation of contemporary peoples as mere "survivals" or "remnants" of a more authentic past. Others have demonstrated how allochronism has led anthropologists to ignore or disdain significant contemporary or hybrid aspects of indigenous life (e.g., Biolsi, 1997; Buckley, 1996; Clifton, 1989; Gidley, 1998; O'Brien, in press; Samuels, 1999).

A more general work that seeks to connect the history of anthropological ideas, the history of popular images, and the history of U.S. Indian policy is Robert Berkhofer's *The White Man's Indian: Images of the American Indian from Columbus to the Present* (1978). Over the lengthy time period and multiple cultural domains he surveys, Berkhofer perceives a basic coherence and persistence in the image of the Indian. Like Hayden White in "the Noble Savage as fetish" (1976), Berkhofer presents the "White man's Indian" as a negation of features associated with what would today be called white masculinity. The same image might be evaluated as "noble" or "ignoble," according to Berkhofer, depending on whether it was used to critique or validate "civilization" – a point later developed in Michel-Rolph Trouillot's (1991) consideration of the relationship between representations of savagery and utopia.

An important part of Berkhofer's survey is a "genealogy of the scientific image of the Indian," one that is situated largely in the discipline of anthropology (1978: 33–69). This intellectual genealogy is less variegated and nuanced than those offered

by Berkhofer's sources (including publications by Hallowell and the early Stocking, as well as unpublished works by Bieder, Hinsley, and Regna Darnell – a reminder that the history of anthropology was still in its infancy). Still, Berkhofer's account is significant for considering anthropological knowledge alongside popular imagery and U.S. Indian policy, and especially for suggesting that cultural relativism and pluralism, while successfully contesting the stereotypical "White man's Indian," is itself an expression of an ideological position – specifically, alienation from contemporary industrial civilization (see also Stocking, 1989). Berkhofer's genealogy ends with the warning that the "cultural conception of the Indian" might come to "appear as biased and mythical" as the more overtly objectionable imagery of social evolutionism and scientific racism (1978: 68–9).

Berkhofer was prescient in this regard (if unaware that in its emphasis on coherence and persistence, his own analysis works within the same concept of culture). Even before the publication of *The White Man's Indian*, critical questions had been raised about the colonial and neocolonial contexts of anthropology, and this soon led to a sustained critique of the anthropological concept of culture. While the Sioux scholar Vine Deloria is well known for castigating "anthropologists and other friends" for their arrogance, intrusiveness, and lack of accountability to Native American communities, internal critiques were already emerging when *Custer Died for Your Sins* was published in 1969. Triloki Pandey, for example, explained Zunis' distrust of anthropologists as a rejection of "the intolerable inequality inherent in their colonial past" (1972: 335), while Dell Hymes (1969), an influential interpreter of Native American texts, edited a collection seeking to "reinvent anthropology" as a more critical, reflexive, and politically transformative discipline.

During the same period the Lakota anthropologist Beatrice Medicine and her Tewa colleagues Edward Dozier and Alfonso Ortiz played important roles in convening the First Convocation of American Indian Scholars, a landmark event held at Ortiz's institution, Princeton University, in 1970. D'Arcy McNickle, the Flathead novelist and chair of the anthropology department at the University of Saskatchewan, also participated in the convocation. As Robert Allen Warrior argues, together with Deloria's book and the award of the 1969 Pulitzer prize to N. Scott Momaday, the convocation marks "the emergence of Native American voices into contemporary public and academic life" (1998: 116).

Anthropologists were well represented in this emergence. Among the issues discussed at the conference were the need to abandon the discipline's "litany of Indian exotica and assorted trivia" in order to consider Native Americans' "philosophical and spiritual values" and their relevance for solving their communities' and the larger world's "pressing and immediate problems" (a point raised by Ortiz); the need for researchers to obtain informed consent from tribal governing bodies (a resolution passed unanimously); and the desirability of stronger partnerships between anthropologists and Native American collaborators (Indian Historian Press, 1970: 11, 379, 22–8).

In a collection published by the newly established Indian Historian Press in 1971, Medicine questioned the role of anthropology as "the Indian's image-maker" (2001: 289–94). She joined McNickle (1970) in criticizing the objectifying concept of "culture areas" and the ahistoricism of the "ethnographic present," and also decried anthropology's contributions to stereotypes such as the "primitive," "exotic," and

“disappearing Native.” Like Hymes’s *Reinventing Anthropology*, Ortiz’s, McNickle’s, and Medicine’s critiques exemplify the important role played by scholars of (and especially from) Native North America in raising issues that would soon lead to a “crisis of representation” within the entire discipline (Marcus and Fischer, 1986).

Anthropology’s version of a more general postmodern and postcolonial crisis of representation featured sustained critiques of the authority of the ethnographer and marginalization of native voices and perspectives; totalizing ethnographic allegories of progress, degeneration, disappearance, and redemption; and colonialist practices of collection and display (Biolsi and Zimmerman, 1997; Clifford, 1988; Clifford and Marcus, 1986; Ortiz, 1977, 1988; Stocking, 1985, 1991). Fabian’s (1983) extensive analysis of the “ethnographic present” as an objectifying and homogenizing mode of representation was joined by similar critiques of the concepts of “culture,” “tradition,” the “savage,” the “primitive,” the “tribal,” the “artifact,” and, most recently, the “body” (see, respectively, Abu-Lughod, 1991; Hobsbawm and Ranger, 1983; Trouillot, 1991; Biolsi, 1997; Campisi, 1991; Strong and Van Winkle, 1993; Clifford, 1988; Bieder, 2000). All of these tropes have guided ethnographic research on Native Americans, and much contemporary ethnographic research and representation may be seen as a response to these critiques.

Several of the most influential general critiques of anthropology make reference to scholarship on Native North America. James Clifford and George Marcus’s landmark collection, *Writing Culture*, contains discussions by Clifford, Vincent Crapanzano, and Michael Fischer on the collaboration of amateur anthropologist James Walker with George Sword and other Lakotas; rhetorical strategies in Catlin’s account of the Mandan Okipa ceremony; and irony in contemporary Native American autobiographies (Clifford and Marcus, 1986: 15–17, 53–60, 224–33). Anthropologists addressing the marginalization of women’s and native voices have focused new attention on the Dakota anthropologist Ella Deloria and the Salish folklorist Mourning Dove (Finn, 1995; Medicine, 2001; Clifton, 1989: 160–82). And critiques of the heavy editorial hand of anthropologists in indigenous autobiographies have centered on North America, where this genre has been especially prevalent (Bataille and Sands, 1984; Krupat, 1985, 1989; Murray 1991; Sarris, 1993). These critiques have engendered significant collaborative representations of Native American lives (e.g., Cruikshank, 1990; Horne and McBeth, 1998; Sarris, 1994).

“THE IDEOLOGICAL EQUIVALENT OF A RESERVATION”: CRITIQUES OF ETHNOGRAPHIC REPRESENTATION

The systematic use of the concept of representation distinguishes current scholarship from earlier studies on the “image” of the Indian (Klein, 1997; Strong, 1999). The productivity of the concept of representation derives in part from the way the term itself – denoting “making present,” “standing for,” and “speaking for” – encourages recognition of the relationship among power, signification, and particular modes of “making present” (Said, 1978; Spivak, 1988; Williams, 1983). Beyond this, as Greenblatt writes:

any given representation is not only the reflection or product of social relations but . . . is itself a social relation, linked to the group understandings, status hierarchies, resistances, and conflicts that exist in other spheres of the culture in which it circulates. This means that representations are not only products but producers, capable of decisively altering the very forces that brought them into being. (1991: 6)

Current scholarship also embodies a Gramscian interest in the contest between hegemonic (dominant) and oppositional or alternative representations (Strong, 1999). Another theoretical influence is Walter Benjamin (1969), whose work on photography has generated a number of studies (e.g., Babcock, 1995) that call attention to the technologies through which representations are reproduced.

Viewing representation as a social practice has generated a series of productive research questions. These include (to cite recent studies of representations of North American Indians):

- “Who controls representation?” (Bataille, 2001: 5);
- “What are the limits and boundaries of representation?” (Faris, 1996: xii);
- What strategies and technologies of representation are employed? (Dilworth, 1996; Gidley, 1998);
- How do representations circulate and proliferate? (Greenblatt, 1991: 6);
- How is anthropology related to “the dominant society’s fields of representation and appropriation”? (Whiteley, 1998: 163);
- “What aspect of *itself* has [the dominant culture] represented?” (Gidley, 1998: 6; see also P. J. Deloria, 1998);
- What do hegemonic representations exclude, and how are they contested? (Strong, 1999);
- How have indigenous self-representations resisted dominant representations and appropriated representational technologies? (Ginsburg, 1991; Whiteley, 1998).

The concept of otherness or alterity is also central to contemporary studies of representation. Edward Said brings together Foucaultian and Gramscian approaches to representation in his influential analysis of the kind of otherness he calls “orientalism” (1978), which Trouillot describes usefully as only “one set of permutations within the savage slot” that anthropology shares with travel accounts and other representations of utopias and dystopias (1991: 43). Also contributing to contemporary understandings of alterity is the work of philosopher Emmanuel Levinas, which influenced Fabian’s *Time and the Other: How Anthropology Makes Its Object* (1983), and Mikhail Bakhtin, whose understanding of the dialogical text has provided a model for ethnographers seeking to modulate the extent to which their texts assert ethnographic authority.

The semiotician Tzvetan Todorov brings the theories of Levinas and Bakhtin to his speculative study, *The Conquest of America: The Question of the Other*. Todorov describes his subject as “the discovery self makes of the other,” particularly an “exterior and remote other” such as Native Americans represented for early European explorers, missionaries, and scholars (1982: 3). Todorov’s examination of the accounts of early explorers and missionaries generates a “typology of relations to the Other” that locates “the problematics of alterity” along three axes: axiological

(equality vs. inferiority), praxeological (identification vs. distance), and epistemic (knowledge vs. ignorance) (p. 187). As others have pointed out (Greenblatt, 1991; Whiteley, 1998), in its definition of the Indian in terms of an “absence” (specifically, of writing), *The Conquest of America* is an instance as well as an analysis of the process of othering. Nevertheless, Todorov’s model of alterity offers a nuanced and differentiated way of conceptualizing different kinds of relationship between self and other.

The interplay between what Todorov calls identification and distance (elsewhere theorized as mimesis and alterity) has been the theme of a number of recent studies of representation, including Philip J. Deloria’s *Playing Indian* (see also Coombe, 1998; Strong, 1999). Deloria offers a theoretically sophisticated analysis of mimetic practices in the construction of American identities – including those of anthropologists such as F. H. Cushing and L. H. Morgan. Deloria’s discussion of Morgan includes an analysis of the relationship among his ethnology, his collaboration with Ely S. Parker, his advocacy activities on behalf of Parker’s tribal group, the Tonawanda Seneca, and his leadership of a non-Indian fraternal association called the New Confederacy of the Iroquois.

Two other recent studies of representation emerging from American Studies and the “new Western history” are Mick Gidley’s *Edward S. Curtis and the North American Indian, Incorporated* (1998) and Leah Dilworth’s *Imagining Indians in the Southwest: Persistent Visions of a Primitive Past* (1996). Both books are concerned with the relationship between representation and commodification. Viewing Curtis as an ethnographer as well as a photographer, Gidley brings Curtis’s monumental project within both the anthropological fold and the political economy of his milieu. In an interpretation that departs from the now-familiar characterization of Curtis as a devious manipulator of images, Gidley treats Curtis’s systematic documentation of a “vanishing race” as an “American enterprise” typical of its time (see also Faris, 1996). Analyzing Curtis’s texts, spectacles, and cinematic productions together with his widely reproduced photography, Gidley offers an unusually thorough interpretation of the production, circulation, and reception of an extraordinarily influential body of work.

Dilworth’s account of representations of the Southwest is the most broadly conceived of several recent studies of that region. Analyzing the production of the Southwest as a primitivist spectacle in the four decades following the railroad’s arrival around 1880, Dilworth brings a disciplinary outsider’s eye to early ethnographic representations, raising particularly novel points about graphic representation. Her analysis of a series of illustrations in J. G. Bourke’s and J. W. Fewkes’s accounts of the Hopi Snake Dance reveals how strategies of decontextualization, miniaturization, and classification produced the Snake Dance as an ostensibly knowable and replicable spectacle.

Particularly notable contributions by anthropologists to the well-developed literature on the Southwest include Peter Whiteley’s *Rethinking Hopi Ethnography* and James Faris’s *Navajo and Photography: A Critical History of the Representation of an American People*. Analyzing the place of anthropology in relation to “the dominant society’s fields of representation and appropriation of Hopi culture” (1998: 163), Whiteley calls attention to a variety of cultural appropriations, including the parody of the Snake Dance performed by a prominent Arizona fraternal organization, the Smokis. Treating this as one example of pervasive “violations of Hopi cultural and

religious sovereignty,” Whiteley deeply implicates anthropological research, teaching, and display practices in processes of appropriation and commodification. At the same time, in framing his critique in terms of Hopi concerns and concepts, Whiteley’s analysis exemplifies how an “intersubjective” and collaborative anthropology (p. 169) might be of some use in dismantling what a colonialist anthropology has wrought.

Navajo and Photography offers a systematic analysis of what Faris calls the “limits and boundaries of representation” (1996: xii). Faris notes a highly limited set of photographic registers, framing devices, and visual tropes in the large corpus of visual representations of Navajos produced by ethnographers and other photographers. In what Faris presents explicitly as a polemic, anthropological photographs emerge both as technologies of “surveillance” and as evidence supporting the disciplinary orthodoxy concerning the Navajo as interlopers, borrowers, and adapters. In its sustained attention to a significant corpus of ethnographic photographs, *Navajo and Photography* exemplifies the sophisticated work that is being done in the relatively new field of visual anthropology (see also Bodinger, 2003; Gidley, 1998; Jacknis, 1996).

Several fairly early considerations of anthropological representations of the Southwest appeared in the *History of Anthropology* series under George Stocking’s editorship. Stocking’s introduction to the first volume (1983) invokes Hallowell’s approach to “the history of anthropology as an anthropological problem” (1976 [1965]: 481–97), and fine-grained cultural and historical contextualization of anthropological research has been the hallmark of the series. Among *HOA*’s contributions to the study of anthropological representations of the Southwest are Stocking’s own treatment of “the dualism of the anthropological tradition” (1989), which contrasts Ruth Benedict’s romantic portrayal of Zuni Pueblo as harmonious and integrated with the decidedly more conflict-ridden representations of Esther Goldfrank and others. As demonstrated by more recent debates over social historian Ramón Gutierrez’s (1991) representation of Pueblo culture, this is an endemic dualism in scholarship on the Pueblo Southwest (Strong, 1996). In another *HOA* article, Curtis Hinsley (1989) traces the romantic representation of Zuni back half a century earlier, to an 1882 pilgrimage to the Atlantic Ocean that Zuni religious leaders took, by rail, with Cushing. A third important *HOA* article is Edwin Wade’s analysis of the “interdependence of dealer and scholar” (1985: 170) in the development of the Southwestern Indian art market. Hinsley’s and Wade’s studies have been followed by several full-length works on the relationship among anthropology, collecting, patronage, tourism, the Indian art market, and Indian policy reform (Dilworth, 1996; Mullin, 2001; Smith, 2000; Weigle and Babcock, 1996). This body of scholarship is especially concerned with the gendered nature of anthropological representation, notably, Nancy Parezo’s (1993) volume on women anthropologists in the Southwest, and Barbara Babcock’s series of works on “mudwomen and whitemen” (e.g., Babcock, 1995; Weigle and Babcock, 1996: 207–17).

Much of the broader literature on representation centers on the Plains – the source of the stereotypical Hollywood Indian, much of the symbolism employed by Indian hobbyists and pseudo-Indian sports mascots, and many New Age imaginings of Native American spirituality (Bird, 1996; Kilpatrick, 1999; King and Springwood, 2001; Mihesuah, 1996; Washburn, 1988). Although the role of anthropology in constructing the predominant popular representation of Indians has received somewhat less intense scrutiny with respect to the Plains than the Southwest, there are

several notable contributions. Amateur ethnologists such as G. B. Grinnell, F. B. Linderman, and E. T. Seton are considered both in Deloria's *Playing Indian* and in Sherry L. Smith's *Reimagining Indians: Native Americans through Anglo Eyes, 1880–1940* (2000), an account that emphasizes the ethnologists' cultural relativism, reformist goals, and enduring influence. Thomas Biolsi (1997) has explored H. S. Mekeel's "search for the primitive in Lakota country" as a disciplinary preoccupation shared with anthropologists such as Ruth Benedict, Margaret Mead, and Clark Wissler (but not with other Plains specialists such as Fred Eggan, Joseph Jorgensen, Alexander Lesser, and Ralph Linton). And successive ethnographic representations of the Lakota sweatlodge are analyzed by Raymond Bucko (1998), who also offers a rare ethnographic account of New Age sweatlodges (for contrasting views, see Churchill, 1992: 215–28; Clifton, 1990: 193–210).

Other regions in which anthropological practices of representation and appropriation have received a fair amount of scrutiny are the Northwest Coast, California, and the Arctic. The *HOA* series and other publications have scrutinized Boas's museum collections and displays, as well as his dependence on indigenous collaborators such as George Hunt (Briggs and Bauman, 1999; Jacknis, 1985; Stocking, 1996). Ira Jacknis has recently published a major study, *The Storage Box of Tradition* (2002), on the appropriation, study, display and, ultimately, repatriation of Kwakiutl (Kwakw'kwakw) potlatch art. Jacknis (1996) has also analyzed the photography of a number of anthropologists, including Alfred Kroeber, while Thomas Buckley (1996) has explored the erasure of the history and impact of colonialism in Kroeber's ethnographies of California Indians. In a more general study, Buckley (2002) compares indigenous representations of California Indian cultures and histories with ethnographic ones.

"Eskimo orientalism," as anthropologist Ann Fienup-Riordan (1990, 1995) calls it, is the topic of a number of studies that consider representations of Arctic peoples from the earliest displays of Inuit captives in Europe through contemporary portrayals in museums and on film (Fitzhugh, 1997; Strong, 1999; Sturtevant and Quinn, 1987). The most extensive of these studies, Fienup-Riordan's aptly titled *Freeze-Frame*, attempts "to accomplish in a more modest fashion for the Euro-American image of the Eskimo" what authors such as Pearce and Berkhofer did for Euro-American images of Indians (Fienup-Riordan, 1995: xviii). With respect to ethnographic representations, Fienup-Riordan notes that from Robert Flaherty's 1922 film, *Nanook of the North*, through the widely distributed Netsilik series of the 1960s, documentary and ethnographic films presented reconstructions of an ethnographic present prior to the introduction of firearms and other Western technologies.

A significant break from representations of Arctic peoples as peaceful and cheerful survivors of an untouched past was achieved in 1973 with the production of the Alaska Native Heritage Film Project's first documentary, *Tununeremiut: The People of Tununak*. In their collaboration with the community, rejection of ethnographic authority, and documentation of contemporary life and concerns (including alcoholism and cultural revitalization), the representational strategies employed by this film project anticipated those fashioned by print-based anthropologists in response to critiques of ethnographic representation (see also Ginsburg, 1991). The recent Inuit-made feature film *Atanarjuat (Fast Runner)* is intriguing in this context as a

self-representation of mythical time – a time that is similar to the ethnographic present in the film’s concern for authentic representation. Unlike many anthropological representations of a timeless past, however, *Atanarjuat* calls attention to its own constructedness (its status as storytelling) through including representations of the film-making process in the credits.

In the decades since Beatrice Medicine criticized anthropology’s role as “the Indian’s image-maker,” Native Americans have continued to raise questions about representations of Indians in the work of anthropologists and other scholars. Vine Deloria remains active in this area, having offered an extended critique of the attempt to delegitimize the identity claims of Native Americans in James Clifton’s *The Invented Indian*, an edited volume that contains articles by Christian Feest, Alice Kehoe, Elizabeth Tooker, and other ethnohistorians (see also Churchill, 1992: 163–84 and, for an internal critique, Strong, 1994). Another notable “struggle for authority and the control of definitions,” as Vine Deloria puts it (1998: 68, 75–8), concerns a critique of the concept of Mother Earth offered by Sam Gill, a historian of religion (see also Churchill, 1992: 187–214; Clifton, 1990: 129–44). Finally, in perhaps the most important debate for the discipline of anthropology, the authority of William Fenton and other ethnohistorians has been questioned by traditionalist Iroquois in the context of disputes over the repatriation of wampum belts, the influence of the League of the Iroquois on the U.S. Constitution, and the content of social studies curricula in New York State. These debates are the subject of two penetrating articles by Gail Landsman on the politics of representation in the academy (Landsman, 1997; Landsman and Cikorski, 1992; see also Clifton, 1990: 107–28).

Certain Native American critiques of representation have shown that laughter is at least as effective as argumentation in contesting ethnographic authority. Zuni artist Phil Hughte (1994) has produced a hilarious series of cartoons about ethnographer F. H. Cushing – as chronicler, collector, initiate, advocate, traitor, and buffoon. Rayna Green has explored Mickey Mouse katsinas, parodies of tourists, and other humorous Southwestern representations of “whitemen” (Weigle and Babcock, 1996: 201–6). And Gerald Vizenor has published a series of works that, as Karl Kroeber puts it on the cover of Vizenor’s *Crossbloods* (1990), shows “how the modern term ‘culture’ itself imposes boundaries, restricts freedom, is the ideological equivalent of a reservation.” While Vizenor’s position on culture is congruent with postmodern criticism within the discipline, his critique is distinctive. Writing as a trickster or “postindian warrior,” Vizenor challenges “academic power and control over tribal images.” He imagines a “tribal striptease” in which “captured images” – especially those of anthropology and photography – are cast off so that “postindian survivance” may be achieved (1990, 1999).

As Clifford has pointed out in a review of Said’s *Orientalism*, those who critique representation – ethnographic or otherwise – are faced with a dilemma: “Should criticism work to counter sets of culturally produced images such as those of Orientalism with more ‘authentic’ or more ‘human’ representations? Or if criticism must struggle against the procedures of representation itself, how is it to begin?” (1988: 258). Vizenor’s work, situated within the “ruins of representation” (1993), appears to be engaged in precisely that struggle.

TOWARD AN ETHNOGRAPHY OF REPRESENTATIONAL PRACTICES

Whether they view representation as a crisis, a social relation, a struggle, a ruin, or a set of technologies and strategies, contemporary scholars employ a practice-based approach to the study of representation. After an initial focus on reflexive critiques of ethnographic representation, anthropologists are increasingly studying representations and self-representations of indigenous peoples in public culture. Increasingly strict tribal controls on ethnographic research in the U.S. and Canada have encouraged a turn toward studies of representation, as has the growth in publication venues oriented toward the topic (e.g., *Representations*, *Public Culture*, *Cultural Anthropology*, *Museum Anthropology*, *Visual Anthropology Review*, *American Indian Culture and Research Journal*, and *American Indian Quarterly*). Ethnographic studies of the representation of American Indians in public culture have also been inspired by historical events such as the commemoration of the U.S. Bicentennial in 1976, the contested Columbian Quincentenary in 1992, the repatriation movement and the development of tribal museums, the development of tribal casinos and tourism, the rise of the ecology movement, and challenges to the representation of Indians in cosmopolitan museums, sports, and commerce. Each of these are marked by vigorous struggles over representation.

Scholarship on representation is interdisciplinary, and it is somewhat artificial to consider anthropological scholarship separately from that of other disciplines. For the present purposes, however, it may be useful to note certain discipline-specific contributions of anthropology. In addition to the reflexive critiques discussed above, these contributions involve ethnographic methodologies and sensibilities; the development and deployment of practice-based theories of representation; and attentiveness to an increasingly broad array of representational sites and technologies. The remainder of this chapter will briefly consider each of these contributions.

Although framed as an analysis of verbal play, Keith Basso's *Portraits of "the Whiteman"* (1979) appears today as a pioneering ethnography of representation. Drawing on years of ethnographic research among Western Apaches, Basso analyzes how "the Whiteman" is represented in spontaneous joking performances as embodying the opposite of appropriate Apache social behavior. Basso's analysis employs a useful theory (adapted from Alfred Schutz) that views typifications as constructed through the selection and exaggeration of distinctive features. This ethnographic deployment of the theory of typification is an important theoretical contribution to the study of representational practices (see also Strong, 1999).

A more recent ethnography of representation, Doug Foley's *The Heartland Chronicles* (1995), concerns Meskwaki portrayals of their white neighbors in the author's hometown (Tama, Iowa) as well as white portrayals of Meskwakis (including those of anthropologists associated with Sol Tax's Fox Project). Making use of autoethnography as well as more conventional participant-observation, Foley explores the construction and representation of racial otherness in daily social life. Ethnographic and autoethnographic methodologies have also been employed by anthropologists studying the emotional attachment of sports fans to pseudo-Indian mascots (King, 2004; King and Springwood, 2001); the practice of "playing Indian" in children's games and youth organizations (Strong, 1999; in press); and the performance of

Indian identity in tourist destinations, courts of law, and tribal casinos (Bodinger, 2003; Campisi, 1991; Clifford, 1988; Foley, 1995; Nesper, 2003). Some of the most extensive ethnographic work on representation has been devoted to the repatriation of tribal artifacts and the development of tribal museums, analyzed by Patricia Erickson (2002) as a hybrid cultural form (see also Jacknis, 2002). The repatriation of the Zuni *ahayu:da* or “war gods” has generated landmark collaborative research on the politics of representation (Ferguson, Anyon, and Ladd, 2000; Merrill and Ahlborn, 1997).

Anthropologists in the field of ethnohistory were among the first members of the discipline to focus their attention on representation (second as a group only to museum anthropologists). Historically inclined anthropologists have studied the development of stereotypical representations of the Plains Indian, the “noble savage,” the “squaw,” and the “Indian princess” (Albers, 1989; Ewers, 1963–4; Ellingson, 2001; Green, 1975, 1988b; Krech, 1999; Medicine, 2001). Historical and museum anthropologists have also conducted research on such topics as the representation of Indians in literature (Strong, 1999, 2002), world fairs (Fogelson, 1991), and folklore and material culture (Green, 1988a; Hallowell, 1976: 481–97). Increasingly, anthropologists are focusing on contemporary processes of historical representation and commemoration, at both the community level and that of the state (Nabokov, 1996; Sider and Smith, 1997; Strong, 1997; Trouillot, 1990). While each of these topics has also been studied by scholars in other disciplines, it has been persuasively argued that anthropologists bring a discipline-specific training and sensibility to historical research (Segal, 1999).

The representation of American Indian identity is a highly contested arena, one that has far-reaching political and economic implications. These implications are clear in Jack Campisi’s (1991) and James Clifford’s (1988) well-known ethnographies of the Mashpee’s unsuccessful bid for tribal recognition, and in Karen Blu’s (1980) and Gerald Sider’s (1994) historical ethnographies of Lumbee identity. A more recent work, Circe Sturm’s *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (2002), is centrally concerned with the symbolism of “blood” and the politics of authenticity (see also Strong and Van Winkle, 1996). Anthropologists concerned with the repatriation of human remains and sacred objects have explored the significance of these for identity (Bieder, 2000; Merrill and Ahlborn, 1997). Historian Alexandra Harmon (2002) has recently called for more histories of Native American identity, and there is also a need for more sustained ethnographic studies of the representational practices through which Native American identities are constructed and contested.

In addition to theories of typification, mimesis, alterity, identity, and contestation, theories of commodification and appropriation have come to play a central role in anthropological studies of representational practices. A number of recent studies have examined the commodification of Native American material culture and cultural performances in tourist destinations and in the art and artifact market (Meyer and Royer, 2001; Mullin, 2001; Weigle and Babcock, 1996). Legal anthropologist Rosemary Coombe (1998) has contributed important research on the processes of appropriation and commodification inherent in Indian trademarks and mascots. Ethnohistorian Shepard Krech (1999) has considered the appropriation of the American Indian as the “original ecologist” by the environmental movement, while

folklorist John Dorst (2000) has examined contesting claims on the rock formation represented alternatively as Bear Butte or Devils Tower National Monument. Anthropologists have also joined other scholars in studying the processes of appropriation and commodification involved in representations of Native Americans in photographs and film, as well as the re-appropriations achieved in Native-controlled media (Bird, 1996; Bodinger, 2003; Faris, 1996; Fienup-Riordan, 1995; Ginsberg, 1991; Strong, 1998, 2001; Whiteley, 1998; see chapter 26).

The ethnography of representational practices, like the systematic use of the concept of representation itself, is in its infancy. Ethnographic, autoethnographic, multi-sited, and collaborative methodologies have shown their value for tracing the processes through which representations are produced, circulated, reproduced, and contested, and additional sustained research is needed. Self-representations by Native Americans demand further study, as do struggles over representation. Indigenous media and cyberspace call out for further study, as do representations of the hemispheric or global identity of “indigenous people” (but see Niezen, 2003). There is much to be done, but the scholarship emerging at the turn of the 21st century confirms the great promise of an ethnographic approach to representational practices and struggles.

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CHAPTER 19 The Politics of Native Culture

Kirk Dombrowski

Ironically, it is difficult to say whether the reflexive turn now intrinsic to so much anthropological writing came originally *from* those anthropologists working with and among Native Americans, or whether it came to them *last* (Deloria, 1997). In some ways the answer is both; for some parts of the reflectivist mission, those that deal with questions of “collaboration” and “representation” (Field, 1999; see chapter 24), have deep, if often overlooked, roots in Native Americanist anthropology (Vincent, 1990), roots that have grown considerably since the early 1970s. In this sense, the reflectivist turn in anthropology refers to the fact that anthropologists have, in response to criticisms leveled by Native Americans, like Vine Deloria, Jr., begun to reflect more seriously on the role of anthropology in American and European colonialism (Biolsi and Zimmerman, 1997). This has caused anthropologists to rethink the nature of the fieldwork encounter or situation, the importance of disciplinary ethics, and the ways that power effects cross-cultural study. All of these issues are now very present in Native American studies within anthropology, and indeed within anthropology as a whole.

But this is only part of the story. Behind the idea that “reflexivity” may have come much later to Native American studies in anthropology – indeed may only just be arriving – is the idea that the “predicament of culture,” as James Clifford (1988) puts it, has two sides. In addition to the sorts of questions that *studying* Native American culture has raised for anthropologists since the 1970s, Native Americanist anthropologists are just beginning to recognize the fact that native culture presents important predicaments to those communities studied *by* anthropologists as well – that is, to Native American communities themselves. In other words, anthropologists working among and with Native American communities have only recently (if at all) come to see that the dilemmas of what *having* native culture means to Native Americans themselves are just as important as the sorts of dilemmas that *studying* culture presents to Native Americans and anthropologists. This recognition has come slowly to anthropology, however, and many, perhaps most, anthropologists continue to write as though culture remains unproblematically rooted in the thoughts and lives

of most of the people they work with and live among. Questions about the relationship between native peoples and the stuff that has come to be called their culture (both by them and by those around them) are seldom raised directly, and reflexive work for Native Americanists has meant only that most anthropologists have once again found a way to turn a criticism of their work into an excuse to turn away from the problems confronting Native Americans and toward ever greater disciplinary self-absorption (see, again, Deloria, 1997).

The relationship between the dilemma of *studying* culture versus the dilemma of *having* it forms the main focus of the chapter that follows. Let me be clear that I am not arguing that these are alternative kinds of studies. Indeed, it would be a considerable mistake to see these two dilemmas as entirely distinct, or their discussion as two different sorts of research or writing endeavors. As it turns out, understanding the latter (the local, individual, and community dilemmas of *having* culture) is critical to an understanding of the former (the anthropological dilemmas of *studying* Native American culture). Yet these two dilemmas are not equally apparent at present, and the question of why one type of problem (studying/representing) now seems so obvious while the other set of problems (having) still seems so abstract, starts us toward an understanding of how they are linked.

STUDYING NATIVE CULTURE

It now goes without saying that anthropological writing has of late created widespread concern among native communities (Churchill, 1996). And rightly so, for this anxiety is rooted in both a growing awareness on the part of native communities over the last 50 years of the writings of anthropologists – of what sorts of things anthropologists have written about Indian lives and communities – and, more so, an awareness of the potential practical consequences that these writings can have on the lives of communities actively engaged in legal questions of historical continuity or the possession of valuable resources, or even the minimal amounts of social support owed native peoples under U.S. law.

This message has been registered within anthropological circles, and few anthropologists would now dispute that questions of “collaboration” are a central criterion for responsible anthropological fieldwork with native communities (Field, 1999; see chapter 24). Yet the context of potential collaboration is important, and, without intending to minimize the importance of calls for “collaborative” and “contractual” fieldwork, one must note that the rising awareness of anthropology among native communities has accompanied a number of other changes, some of which are just as important as the rising awareness within native communities of the potential legal and moral issues raised by anthropological writing. Indeed, the greatest change in native communities since the 1950s has not simply been the recognition of anthropological writing but also the dramatic increase in the level of participation that Native American communities have come to play *as specifically “native” communities* in the larger U.S. and Canadian political economies (see Johanson, 1999; Fixico, 1998). From legalized gambling to timber production; from oil drilling to “off-shore” banks located in Oklahoma; from mineral development to the warehousing of hazardous waste materials; native communities today play a more active role as native

communities in the economic life of North America than at any time in the last 500 years (see chapter 15).

Indeed it is entirely possible, from this perspective, that the politicization of anthropological research/writing reflects not simply greater awareness on the part of natives of that writing, but an anxiety prompted by an awareness of the potential consequences, both positive and negative, of such writing on the sorts of political-economic participation ongoing (or potentially so) in native communities (Field, 1999). In this view, the politicization of anthropological representations of native culture is simply one element in a much larger set of changes that has politicized native life, changes rooted in the re-emergence of native communities (again, *as native communities*) within national and global political economies. For reasons that will become more clear below, these changes have placed questions of native culture at the center of many local and not-so-local political processes, complicating the way that anthropologists go about studying Native American culture and representing it to the outside, and the way that Native American communities have come to think and feel about the things that have come to be called their culture and its representation (Weiss, 1984). As has become readily clear to anthropologists and native communities, none of these questions of representation is ever very far removed from very present, often very pressing, questions of political and economic survival for the communities involved.

In this way, the conjoined nature of these two elements – culture and politics – for Native Americans is complex, and their involution challenges anthropology in ways that notions of “collaboration” find difficult to accommodate fully. The remainder of this chapter is devoted to discovering in more specific terms why this is the case – how it is that talk about native culture in general (and not just talk by anthropologists) has come to be seen by many (both native and non-native) as “dangerous words,” in Jeanne Favrett-Saada’s terms (1980). The method for this argument, however, is not to look yet again at the complexities of studying native culture; but rather, to look at the politics of representation and collaboration from a perspective that asks why having native culture is made so complex and problematic *for Native American communities themselves* by their growing participation in the North American political economy that surrounds them. Three particular, somewhat separate, issues link Native American culture to larger questions of politics on a scale outside their own communities:

- 1 *Indigenous Claims.* Native peoples in North America are distinct from other racial or ethnic minorities in the United States both in the eyes of power and in their own eyes for reasons that have largely to do with claims on specific pieces of property, claims based on aboriginal ownership.
- 2 *The Normalization of Native Marginality.* While claims to resources were once enforceable by native groups themselves, much of the history of U.S./Native American relations over the last 200 years has been aimed at forcing natives’ claims into the bureaucratic structure of the U.S. Government, with important consequences for what we call native culture.
- 3 *Having Culture.* From the beginning, native peoples have organized control over the resources they do claim largely within the realm that anthropologists have come to call “culture” – the realm of custom and the symbolic and practical

reorganization of local, community social life – which further politicizes community social life and its reproduction.

These are complicated points, and no more than a schematic discussion of their unfolding over the last 50 years is possible in this chapter. In what follows, each of the three points above will be explored and elaborated, with examples offered as illustrations only, not as full analyses of the particular cases involved. In the concluding section we return to the question of why talk about native culture has become “dangerous words” (for anthropologists and natives alike) and address how anthropologists might better deal with the double-edged predicament of Native American culture in the present.

INDIGENOUS CLAIMS AND CLAIMS TO INDIGENEITY

If we look at the creation and maintenance of racial and ethnic divisions within the U.S. as, in the broadest and most general terms, the attempt by power to reduce the value of the labor of some communities (and thus reduce the cost of the social reproduction of society at large), Native Americans remain distinct, not just in the eyes of the larger society or the U.S. Government, but in their own eyes. Very few of the laws set up to govern the relationship between Native Americans and the surrounding U.S. society (including those sought by native communities themselves) are aimed at questions of native labor or at establishing a place for natives in the ordinary political system of voting and representation (Norgren and Nanda, 1996). In this way, Native Americans are simply not, despite years of attempted “assimilation,” viewed by themselves or those around them as simply yet another ethnic or racial group in the United States. Both governments (local, state, and federal) and native communities agree on this implicitly, even if it is seldom phrased in quite this way.

Thus, in the vast majority of cases the question of the difference between native and other non-native-but-still-non-white communities is not discussed in terms of native identity, but rather in terms of native rights – of claims, if not to specific pieces of property, then simply to *the property of being native itself* in the eyes of the U.S. Government. Indeed, the property of being native turns out to be commodifiable in a host of important ways, and arguably, it has, despite its recentness, become among the most valuable and most fiercely disputed claims ever made by Native Americans. For with “recognition” (see chapter 24) as Native American comes attached a host of significant political and economic repercussions, including tax exemptions and, most importantly, exemption from certain local laws, including both those prohibiting commercial gaming and, in some cases, important environmental laws (Dombrowski, 2002; Eadington (ed.), 1998; see chapter 12).

The majority of claims by native communities are not so complicated, however, and most involve, instead, actual pieces of property – claims to land and what lies on it or beneath it. From the Southwest (Chamberlain, 2000) to the Southeast (Sider, 2003), to the Northern Plains (Matthiessen, 1992), to the Northeast (Den Ouden, 2004), to the Midwest (Gedicks, 1993), to Alaska (Dombrowski, 2001), to Hawaii (Trask, 1999); in all of these places and many more, land claims dominate the way that Native Americans see themselves in relation to those around them – most especially in their

relationship to non-natives, but also to other Native Americans with whom they sometimes compete or cooperate for recognition, restitution, recuperation, or simple redress (see Churchill and Durham, 2002). This attachment to land is complex (Lee, 2000), but alongside a host of emotional and spiritual ties, the material value of the land is frequently a necessity for the survival of the community.

In those places where pressure from the surrounding community has been great or where native land has held resources deemed especially significant – gold and silver in the 19th century, minerals and oil in the 20th century – the extinguishing of native claims and often the assault on the native communities claiming them followed quickly. But as significant as the erosion and elimination of native title or claims (and generally undiscussed by many anthropologists or native activists, but see Churchill, 1996: 208), is the fact that the U.S. government has apparently never sought the full extinguishing of Native American claims, in large part, I have argued (Dombrowski, 2002), because of the sorts of flexibility that native claims have provided the U.S. Government and its corporate sponsors in terms of resource management and political flexibility. Briefly stated, U.S./Native American relations continued to be governed by a host of relationships other than those between the government and the communities/tribes/nations themselves. Indeed, perhaps the most important force shaping this relationship is the much broader relationship between the U.S. Government and other, non-native groups and classes in the United States. This sort of dynamic is particularly obvious when, as during the 18th and 19th centuries, rural whites' clamoring for land caused the continuous redrawing and diminution of native reservations rather than a redistribution of state land or lands held privately by wealthy non-natives. But class politics within the U.S. (but outside of Indian Country) has played an equally significant role in expanding U.S./Native relations and encouraging the recognition of Native American claims as well. To give but one obvious example, present-day, widespread government support for native land claims in upstate New York is fueled largely by local, non-native interests hoping that the commercial gaming that ensues from the recognition of native claims in the area will replace the dying horse-racing and dogtrack industries. Indeed, a recent proposal by New York State includes transferring the use of defunct racetracks directly to native claimants in satisfaction of native claims to property lost in the 19th century (Bagli, 2003; *The Post Standard*, 2003). In such cases the recognition of native claims amounts to little more than the establishing of joint ventures between tribes and states – with states supplying the land (and reaping their share of the profit in the taxes paid by employees and the political support of the non-native communities involved) and the tribes supplying a legal justification unavailable through other means, and reaping their profits directly through gambling proceeds.

The Alaska Native Claims Settlement Act (1971) (ANCSA) is remarkable along similar lines, but on a much larger scale. Passed shortly after the end of the “termination” period in U.S./Native relations, ANCSA bears the imprint of the desires that had underlain termination efforts, yet it pursued this strategy through novel forms of native recognition. The legislation was framed by three dynamics: (1) Congress's unwillingness to create new government-to-government relations or to recognize new “Indian territory” in Alaska; (2) its need to quickly and finally resolve outstanding land disputes then slowing the development of crude oil resources on the North Slope; and (3) its desire for a way out of costly social welfare programs for primarily

native rural Alaska. To accomplish this, Congress settled all outstanding native claims in Alaska by creating a series of for-profit, publicly held corporations whose stockholders would initially be composed entirely of Alaska Natives, and awarding these companies the land and cash-compensation sought by native advocacy groups (Berger, 1985; Skinner, 1997; see chapter 13). In doing so, Congress sought to recognize the claims of native communities without seriously empowering those communities.

The rationale behind ANCSA was that the corporations it created would be encouraged by their shareholders (the native residents of the area) to develop the land awarded them in the act, and thereby provide jobs and economic stimulation for the communities in which these corporations were located. This, in turn, would reduce the welfare needs of these same communities, and allow supposedly “isolated” peoples to participate in the larger economy. It would also, and not coincidentally, hasten the development of Alaska’s dispersed but large natural resources. At the same time, it was thought, ANCSA would avoid creating any new reservations or any new “government-to-government” relationships by not recognizing any new tribes or awarding land compensation to any already recognized tribes (but see chapter 13).

This strategy of quasi-recognition did result in the harvesting of vast amounts of natural resources – most especially, crude oil in the North (Strohmeyer, 1997) and commercially valuable timber in the Southeast (Knapp, 1992) – though astonishingly few of the economic benefits of either of these harvests ever found their way back to communities that suffered the environmental and social disruption caused by their development. Despite this, strategies of recognizing claims to resources remain central to government/industry relations with native communities in Alaska today, and have figured significantly in those strategies pursued by Southeast Alaska Native communities seeking subsequent revisions of ANCSA since the 1970s (see Dombrowski, 2002). The rationale behind industry and government support in Southeast Alaska in particular is scarcely below the surface: the timber lands awarded to native corporations in the region are private lands, not federal lands held in trust for Indians as is the case in the “lower 48” states (see chapter 12). This means, in effect, that the environmental regulations governing harvests on public lands in the region do not apply to native lands – alleviating potentially costly timber harvest problems such as stream buffers, landslide protection buffers, environmental impact studies, and endangered species protection (in short, the entire package of environmental regulation passed since the 1970s to curb corporate environmental abuse by the timber industry [see Durbin, 1999; Shoaf, 1999]). This allows harvests on native lands to be, potentially, even more financially “efficient” for timber processors (in the short term) than similar harvests on public lands.

Strategies of development via the recognition of native claims like these are more difficult to see as such, often because they are cast as native victories – which, in a very real sense, they are. But the lesson of the post-termination period is instructive. A common sentiment in the federal government in the 1950s was that the government ought to “get out of the Indian business.” For reasons that have much to do with the shifting relationship between the federal government and the wider American population, the Indian business has, since the 1970s, undergone something of a boom, to the point that the federal government seems much less rushed in efforts to divest. What has emerged in place of termination, we might call, for shorthand, a politics of recognition.

THE NORMALIZATION OF NATIVE MARGINALITY

The second theme in the politicization of native culture is perhaps the most obvious: the attempt by the federal government to force questions of native claims (including claims to native status) into ordinary governmental and bureaucratic channels. This is a politics of normalization, and it has been carried out consistently across the 20th century from the Indian Reorganization Act to creation of the Federal Acknowledgment Program (see chapter 12). The strategy itself is perhaps not surprising; the same processes have been applied to other non-white groups in the U.S. with similar consistency and similar intentions (Sarat and Kearns, 1999). Yet for Native Americans, normalization has been applied to native *culture* as well. As Gerald Sider notes, in the eyes of the U.S. Government, “‘cultural identification’ is necessary for the racial or ethnic identification of Indians (and unthinkable as a criterion for judging the identity of African Americans)” (1993: xvii). He cites as evidence the “affirmative action race and ethnic categories” used by the federal government (which is also the model for most state programs as well). Compare how the three categories of White, Black, and Indian, are defined for purposes of the U.S. census:

White (not of Hispanic origin) – a person having origins in any of the original people of Europe, North Africa, or the Middle East.

Black (not of Hispanic origin) – a person having origin in any of the Black racial groups of Africa.

American Indian or Alaska Native – a person having origins in any of the original people of North America, *and who maintains cultural identification through tribal affiliation or community recognition*. (Sider, 1993: xvii; emphasis added)

As Clifford (1988) and others have argued, the working definition of “cultural identification” proposed by the Federal Acknowledgment Program and the courts has been construed in very specific, very narrow terms.

The attempt by power to normalize native culture has many causes, among them: (1) the success native groups have had in organizing resistance via culture (Nagel, 1997); (2) fantasies on the part of the powerful about the nature of native distinctiveness (Churchill, 1996); (3) the desire to create more clear distinctions between natives and other non-white groups (Sider, 2003); and finally, (4) the attempt by power to root nativeness in something that cannot remain stable for long (and hence to make nativeness an issue that cannot be settled in any lasting fashion). Each of the first three of these processes has been dealt with fairly extensively by others. Here I would like to focus on the last of these – the seemingly contradictory fact that the procedures set up to incorporate and bring native groups into the bureaucratic fold are rooted in a criterion (culture) that seems, even to those in power, to resist lasting or stable definition.

To begin to untangle the reasons why the U.S. Government has been anxious to root native recognition in cultural ground (despite the potential that culture has to empower some local communities: again see Nagel, 1997), one must begin by recognizing that the insistence on the cultural nature of Native American distinctiveness was not accidental. Nor was it simply a reflection of hegemonic ideas concerning

racial essentialism prevalent in anthropology at the time, for as Sider points out, for Native Americans it has never been entirely clear whether this criterion was meant to supplement definitions of race (making it harder to become recognized as Native American) or to circumvent definitions of race (making Indians distinct in ways blacks or Latinos never could be: see Sider, 2003). In either case, it is clear that by rooting Native American distinctiveness in cultural as well as/in place of racial terms, the U.S. Government was not seeking to clarify or simplify its relationship to native communities. On the contrary, it turns out that the normalization of native culture has everything to do with keeping a great many Indian peoples forever between official statuses. A case in point is the fact that the Bureau of Indian Affairs (BIA), until recently, produced lists of unrecognized “Indian Groups.” Tagged on to the end of the lists of officially recognized “Indian Tribes” published periodically in the Federal Register, the BIA for a time included groups then petitioning for recognition with the Federal Acknowledgement Program, listing the petitioners under the heading “Unrecognized Indian Groups.” Lists of “Indian Groups” were discontinued after revisions in the laws governing the acknowledgment process in 1994. But until then, the native communities involved occupied the ambiguous and highly ironic status of being officially listed as unofficial Indians.

During this same time period – between the creation of laws governing acknowledgment in 1978 (CFR 25 part 83) and their revision in 1994 – Alaska Natives faced a similar sort of ambiguity. While ANCSA seemed to acknowledge their claims to native status, the federal government remained reluctant to see either the groups that had brought the claims that prompted ANCSA, or the corporations that ANCSA created, as “recognized tribes” (see chapter 13 on the Venetic case and the issue of “Indian territory” in Alaska). The official rosters of “tribes” and “groups” published in the Federal Register between 1988 and 1993 list both tribes and ANCSA corporations, and a host of other groups, as neither “tribes” nor “groups,” but rather as “Alaska Native Entities.” This status, as neither official tribes on the one hand, nor unofficial Indians on the other, seemed doubly ironic to Alaska Natives, and it is thus not surprising that, in the late 1980s, the Alaska Federation of Natives sought to keep the BIA from including Alaska Natives in any capacity in these lists, at least until the full legal status of the groups so listed was settled. These efforts failed, and – though the question of Indian territory in Alaska has since been settled by the courts and the groups named now hold all of the rights of the officially recognized “tribes” – Alaska Natives continue to appear in the Federal Register under a separate heading, as “Native Entities Within the State of Alaska” (Bureau of Indian Affairs, 2000: 13298–13303).

Federal requirements for the recognition of tribal status duplicate this process on the level of culture. Federal recognition ordinarily requires those applying for tribal status to provide documentation of a kind of cultural fixity that few, if any, already recognized tribes could meet, and that is certainly absent in the dominant society as well (Campisi, 1991). Yet the point of requiring such things of Native American communities is not that it makes all native culture look the same, though it sometimes does. Rather, the point is that normalization criteria force those who would be recognized to debate their status as Indians in terms that can never fully justify either inclusion in or permanent exclusion from the group so named (Sider, 1993). The normalization of culture is, in this way, part of a process of keeping those who claim

Native status more or less permanently in between, such that even the recognition process itself becomes part of the bureaucratic technology for normalizing a status of uncertainty, of marginality, of no status.

Anthropological descriptions of this situation are hard to find, in part because anthropology for many years viewed culture as inherently stable, and partly because collaboration with and support of Native American claims often encourages anthropologists and ethnohistorians to lend native culture a degree of fixity it lacks – not out of dishonesty, but for the very good reason that federal recognition requires it (Field, 1999; see chapter 24). Often, however, anthropologists write about this sort of inbetweenness indirectly (and often unknowingly) when they write about how this unfixity works out in actual practice – as social, personal, or political splits and ruptures within native communities. This can include splits in tribal courts (Miller, 2001), political factionalism (Matthiessen, 1992), contests over development (Chamberlain, 2000), disagreements over blood and tribal membership (Perdue, 2002; Sturm, 2002), gender struggles (Mackinnon, 1987), and any number of other issues. Fractures like these are frequent, though they vary across communities and shift frequently over time in any single community. From the outside, they appear as evidence of the internal “dividedness” of Indian communities. Yet when looked at as a single phenomenon, the various and ever-shifting divisions that characterize Indian communities require a different explanation – one that has everything to do with the fact that the incorporation of native communities within the larger society has, for native communities themselves, necessarily entailed fixing their collective identity on unsolid ground. Such a strategy is bound to produce conflict, as both the importance of overall success (often it means the survival or failure of a community, and always of some households or groups within a community) and the likelihood of failure that surrounds any particular strategy of accommodation are clear to all of those involved (Sider, 1993).

In Southeast Alaska, many native communities have recently split over questions of religion and local culture. At one level, church divisions in Southeast Alaska appear to be a restatement of class divisions that already exist in these communities: in general terms, the newer, more radical Pentecostal and Evangelical churches tend to find their members among the poorer and more marginal members of every community, while better-off members of these same communities tend to belong to either the Salvation Army, Presbyterian, or Russian Orthodox churches. Yet, just as much, the splits over church membership in Southeast Alaska could be seen as traditionalists (who gain much more of their livelihood from hunting, fishing, and gathering) versus ANCSA-corporation shareholders and those who earn their living by participation in the larger economy – with traditionalists favoring the more radical, newer churches while the shareholders belong to the longer-standing, less radical churches. Or, again, the divisions between newer churches and those of long standing in the region may simply represent those who oppose the emerging, revived vision of native culture and those who support it.

In truth, it is probably more likely that church divisions in Southeast Alaska Native villages represent all of these various disagreements (and in any single community, many more locally specific ones). For in each case one division simply restates and reforms the others, and what is really at stake in the various sides and factions is actually two different visions of what each sees as the best (perhaps only) possible

future of the village and its members. On the one side (those that attend the more insular, more radical Christian charismatic churches) are those who see the future of their villages as intimately caught up with the righting of specific local problems through the remaking of local, community relations, and thus see their future as depending on the ability of those around them to come to terms with and address the social problems and issues within that community – problems such as high rates of alcoholism, suicide, and family dysfunction. On the other side are those who see their future as being part of a specific sort of community (a *native* community) and the special sorts of relationships that that status necessarily entails. For members of this group, it is only by addressing the larger political relationships that surround the community (historically and in the present) that the community can begin to chart a course of its own. This group sees a revival of a sense of native culture as critical in reconstituting village residents' sense of their distinctive collective future *vis-à-vis* the surrounding, invasive non-native society. They too seek to address the same local problems, but in a different way.

Divisions like these are common and recurrent in Indian Country, and the communities in which they occur suffer under the weight of their recurrence, while non-natives around them wonder why Indians seem so “incapable” of living together. This is why many native villages, towns, or reservations appear to those on the outside as hopelessly factionalized by internal strife, while to those involved they look much more like a single community in search of itself. Yet such characteristics are intrinsic neither to native communities nor to native peoples, but are instead a reflection of the fundamental instability of their situation. In a very real sense, the character of Indian Country as it has emerged since the mid-20th century is a very accurate reflection of the character of *the position of native peoples in the larger society*, not of the character of those people who live in the communities. Despite this fact, the opposite is often assumed: the characteristics of life in native communities is frequently taken to be a reflection of the character of those who live there. Take, for example, the response of (then) Senator Frank Murkowski to concerns raised by Hoonah resident Ernestine Hanlon before the U.S. Senate Subcommittee on Public Lands during their revisions of logging regulations in Southeast Alaska in 1989:

SENATOR MURKOWSKI: If I can briefly go to Ms. Hanlon. In your testimony, which I read and I think it is very well done, you indicate your concern about the effect of floating logs on the fisherman at Hoonah and I can assure you that it is not the intent of the government to destroy the life styles of people at Hoonah. I have been over there several times. I am familiar with some of the road systems. I know the concern of the floating logs. It is my understanding that the Hoonah Native Corporation owns about 23,000 acres of land near the Hoonah Village. Do you know how much of that has been logged?

MS. HANLON: The [unintelligible] is completely cut and Sealaska has seven more cuts to go. If you look on your map that you have there, you are going to see that the percentage of the corporation land versus the Tongass National Forest is a very small percentage.

SENATOR MURKOWSKI: That is correct, but is the area immediately near the Hoonah area going to get logged up? I was under the impression that you had not quite lost all of the timber, but evidently you have now. I was told that there were about 18,000 acres that had been logged but not all of it.

MS. HANLON: When the total is done.

SENATOR MURKOWSKI: I think much of your statement refers to concerns applicable to both Forest Service sales as well as private sales, because you are rafting out of Hoonah, towing to Wrangell; and that is a mixture of, obviously, Forest Service logs and your own logs. I think we should have the record reflect that your concern is primarily with Forest Service sales and not your own sales from your own private land. . . . My point is you have control over what you do with your own lands, if you want to log them, and Hoonah native people do? (U.S. Senate, 1990: 477–8)

Murkowski's insinuation here is that Hoonah natives are advocating a double standard – seeking at once to prevent timber sales on public lands while profiting from sales on their own land. In so doing, Murkowski turns a political condition created by the federal government to facilitate resource exploitation – i.e. the corporate structure and profit incentives of ANCSA – into a characterization of a group of people or even a single individual. It is Ms. Hanlon who is characterized as contradictory, not her condition as both a shareholder in a “Native” corporation and member of a “Native Entity” (?!). Ms. Hanlon's response is clear; she replies, “I oppose the native logging, too” (U.S. Senate, 1990: 478), though in so doing, she takes a position within a widening split within Hoonah over the place of ANCSA-based development and the future of the Hoonah community.

HAVING NATIVE CULTURE IN NATIVE COMMUNITIES

Beyond the politics of recognition and the normalization of marginality, there is a third process through which Native American culture and politics are conjoined. As noted above, from the beginning of their relationship with the United States and even earlier, Native American peoples have organized their own claims, access, and control over resources largely within the realm that anthropologists have come to call “culture” – the realm of custom, tradition, and the symbolic and practical organization of social life. In part, but only in part, this is because “culture” continues to describe those areas of native life that remained outside of the structural constraints of direct U.S. governance (see Biolsi, 1992). And in part, but again only in part, it is because culture has been made intrinsic to native claims by the laws governing the adjudication of those claims. But more than either of these – and equally important in understanding the shifting relationship between Native Americans and their culture – is the fact that control of the sorts of resources that natives possess and claim often means control across lines of *internal* as well as external divisions. That is to say, much of what anthropologists and increasingly native people themselves call “culture” is central to processes of differentiation and control *within* native communities, though anthropologists have seldom focused on this directly. Yet in those places where culture remains fundamental to the reproduction of native communities *as native communities*, it does so at least in part by virtue of its ability to organize and reproduce relatively autonomous, internal inequalities – inequalities at least partly autonomous from the sorts of political and economic relationships that tie Native American communities to the surrounding society. To recognize this is to move beyond a standpoint that sees culture as contributing to the survival of Native

American communities ideologically (by the valorization of subsistence-level survival) or materially (by contributing to the maintenance of communities that are otherwise just getting by). Culture does both of these things, but this is not all that it does, and probably not the most important things that it does. Rather, to view local culture for the role that it plays in creating internal inequalities is to move us toward a view of culture that recognizes its effect to routinely organize critical lines of internal cleavage that at once reflect village-level participation in the larger political economy and simultaneously create the potential such communities have to resist incorporation by these same forces. Let me take one last example from Southeast Alaska that illustrates the ways that questions of culture come to be shaped by both external dynamics and simultaneously by the role culture plays in shaping divisions and inequalities within villages: the question of native subsistence in Southeast Alaska.

The question of “subsistence” politics in Southeast Alaska begins with the fact that, from the late 1880s to the early 1960s, Southeast Alaska was home to one of the world’s largest fishing industries – mainly because the rhetoric of “subsistence” today emerged almost entirely within the context of the collapse of that industry. Up to the 1960s, virtually all fishing in Alaska was organized around the production of canned salmon for sale on the world market. Native labor contributed substantially to this production, with women working primarily in the canneries, and men working on the fishing boats that supplied the canneries with their fish. The scale of production in Alaska at this time was immense, with Southeast Alaska contributing significantly to the overall Alaskan production – which for much of this period dwarfed the entire production of Canada, the contiguous United States, and the rest of the world combined. Indeed, the need for labor was so great that a number of year-round non-native towns sprung up throughout Southeast Alaska, and more than 80,000 (primarily Asian American) workers traveled to Alaska from Washington and California each summer to labor in the industry (see Dombrowski, 1995).

Yet, as anthropologist Steve Langdon (1988) has shown, cannery production in Southeast Alaska came gradually to depend heavily on a cheap supply of fish caught by large fish traps. These traps helped offset the high transportation costs of producing canned fish in Alaska and contributed to the dramatic profitability of canneries for their owners by catching large amounts of fish while requiring very little labor. In doing so, traps also substantially impacted the livelihoods of native and non-native fishermen and the sustainability of native villages in the region, to the point that the fish-trap issue eventually tilted the native vote in favor of statehood for Alaska (as local fishermen sought to wrest control of fishing regulation away from the federal government and cannery interests; see McBeath and Morehouse, 1994). Indeed, among the first acts of the newly formed Alaska State Legislature in 1960 was the outlawing of fish traps. Yet the long-term result of the elimination of the fish traps was a rise in production costs and the rapid end of the cannery era in the region, as higher prices for fish were passed on to consumers, who then moved on to the more affordable, rapidly expanding canned tuna industry of California.

The collapse of the canned salmon industry in Southeast Alaska caused the abandonment of most of the non-native towns in the region, resulting largely from the lack of local population (or some segment of population) willing to bear (or who could be made to bear) the rapidly increasing costs of social reproduction caused by the closure of every small town’s main industry. Yet as non-native towns were

abandoned, the native villages remained, and “subsistence” emerged as the main rallying point in local definitions of native culture. The contrast is striking, and it points us to the role that native culture plays in creating or facilitating local social reproduction. For by the 1960s, native and non-native towns were in the same economic and social straits. In both, the collapse of the cannery industry meant that some (or all) of every village’s residents had to pay a higher price for social reproduction. Yet, when asked to do so, individuals and families in non-native villages simply left, and very quickly, almost all of these towns disappeared. The native villages in the region that survived this period did so largely because they did contain populations – both generally, and more importantly, unevenly across households – that were willing to bear (or who could be made to bear) the quickly rising costs of socially reproducing the village. The role of local culture in redistributing the costs of village social reproduction is critical, for the cultural dynamics put in place during the collapse of the cannery period set the stage for both ANCSA and the subsequent village-based class divisions discussed above. It was not coincidental, therefore, that at this same time “subsistence” became so closely identified with native culture, while questions of belief, language, religion, social organization, and any number of potential rivals shrunk into the background.

During this time, until the brief timber boom of the late 1980s, most native villages did lose significant population to outmigration, and all showed the signs of strains in the ability of villages to successfully reproduce themselves: rises in the levels of poverty, the undermining of household health and well-being, the disappearance of almost all commercial fishing and fish processing enterprises, the collapse of village-based tribal governments and Indian Reorganization Act (see chapter 13) organizations, high levels of suicide and alcoholism, and rising levels of welfare dependency. For this reason, the focus on subsistence is perhaps not surprising, for many households were turning to hunting, fishing, and gathering to supplement dwindling cash income at this time. Yet the focus on subsistence has many other causes as well, including, as others have argued, the deep sense of attachment to particular places and material processes felt by Southeast Alaska Natives (Thornton, 1997), the valorization of native lifeways during a time of increased political activity (Dauenhauer and Dauenhauer, 1994), the response to limits on subsistence access imposed by ANCSA and other legislation (Berger, 1985), and the place of subsistence practices and products in local native identity projects. Indeed, all of these have played a role, and advocacy around these issues has produced significant, if qualified, success, in the form of legislation such as the Alaska National Interest Land Conservation Act and in rising support among the non-native public within the region.

For all of these reasons, the manner in which “subsistence” emerged as an emblem of Southeast Alaska Native culture was never a direct reflection of the turn (or return) of many native households to hunting, fishing, and gathering in the late 1960s and early 1970s. Rather, as “subsistence” became more closely identified with native culture, its meaning came to reflect both (1) the way that local culture is hooked into the larger political economy, and (2) the way that this same local culture is shaped by specifically local dynamics, as some persons, groups, or classes within every village seek to shape the way that villages are tied to that same surrounding political economy. In taking on this role, “subsistence” became less and less identified with the more literal meaning of the term – the role that hunting, fishing, and gathering

play in the simple material reproduction of some households (and not others), which often, accurately, carries the connotation of “just barely getting by.” Given this, we might characterize the struggle over culture since the 1960s as between those who see ongoing subsistence practices as emblematic of a particular “native lifestyle” and those for whom subsistence remains a critical element in the “livelihood of a household,” while noting that one side of this struggle is often silent – those who depend on subsistence as their livelihood often depend for jobs, political patronage, and so on, upon those who advocate subsistence “lifestyle” as something uniquely and proudly “native.” For those on the edges of village life, like those on the margins everywhere, advocacy of their own ideological position can be, at times, impossible.

Since the late 1970s, subsistence advocacy in Southeast Alaska has come to be identified primarily with those who advocate for the preservation of a “subsistence lifestyle,” and advocacy for the “subsistence lifestyle” has drawn much support from other natives throughout the state and from many segments of the non-native community, particularly those interested in tourism and environmentalism. Advocates and researchers have identified subsistence practices as central to many current community-wide institutions in native villages, helping to organize family and kinship, cosmology, cross-community cooperation/reciprocity, land claims, and especially native identity (Dauenhauer and Dauenhauer, 1994). The political function of conceiving subsistence as a “lifestyle” is less often commented on, but to the extent that subsistence products and relations help reproduce institutions like families, native communities, and native identities, they necessarily serve to lend social power to family leaders, community leaders, and those politicians specifically identified as native *vis-à-vis* surrounding non-native communities. Indeed, various kinds of specifically native voting blocks are mobilized in a variety of settings in which subsistence foods play a major symbolic role, such as the large pot-luck suppers and village-wide ceremonies in which Southeast native village social organization is regularly recreated and realigned. Almost invariably these events have as one scarcely submerged subtext the mobilization of voting blocks for particular ANCSA board members in village-based or regional ANCSA corporations, or for statewide political candidates, or tribal elections, etc. In each of these cases, to the extent that subsistence practices and their products contribute to the reproduction of community identity and kinship-based lines of sharing and contribution, subsistence foods become political resources and are used as such by local leaders, though in such a role their presence is mainly symbolic. Yet this symbolic presence is powerful, and as emblems of nativeness, subsistence foods and locally produced crafts mark large ceremonial occasions – performances of the local dance group, “pay-off parties” thrown by one “side” of a village for the “other side,” memorial dinners by powerful families – as specifically native, especially traditional, community events. Those who supply subsistence foods or products are normally marked out for special thanks on these occasions, as are the native dancers who perform there as well. Yet the political nature of these events is clear to all of those who attend. Honored guests include local non-native politicians and other sorts of power brokers, and the gift-giving that accompanies certain events (linked historically to the anthropologically famous Northwest Coast “potlatch” in its Alaska variety) makes clear the political lines being drawn (and erased) in any single event. This is not to say that such events are purely political, but rather that all have a political side, and subsistence resources and

products play a role in this both directly (native crafts are often given as gifts) and indirectly (as above, by marking the event as particularly “native”). While the political functions of a subsistence lifestyle are ordinarily understood and acknowledged by village residents (downplayed by community leaders, grudgingly tolerated by more marginal members of the community – who supply the bulk of the “traditional” subsistence foods for these events), these functions take on greater significance when viewed in terms of what is displaced by defining subsistence as primarily a lifestyle and community identity issue.

Among the most central issues not included in the “lifestyle” construction of subsistence is the recognition of subsistence as a “livelihood” issue for those who produce and consume the majority of subsistence resources. For this group, subsistence products remain fundamental to the day-to-day, simple reproduction of the users’ households. This is critical, for it is the one feature of subsistence practices that is not shared evenly across all native households within a community. Put bluntly, some households have to hunt, fish, and gather wild resources to survive, while others do not. And those for whom subsistence is a livelihood require far greater harvests of resources than those for whom the function of subsistence is occasional and primarily symbolic or ideological. This discursive distinction, between “lifestyle” and “livelihood,” actually marks critical lines of cleavage within Southeast Alaska Native villages today – lines of cleavage that are critical for the reproduction of native villages in the post-cannery era. Subsistence foods help build and rebuild the sorts of political patronage that have made natives an important voting block in Alaska, and fueled ongoing native claims for lands and rights (see Thornton, 1999). They are used by family leaders to mark and to make lines of patronage within villages, and have helped create a place of honor for otherwise particularly vulnerable, particularly marginal households – encouraging them to remain in the village when their material circumstances hardly warrant it, and thus swelling the political sway of native leaders, ANCSA corporation directors, and others able to mobilize native voting blocks (Dombrowski, 2001).

Often, however, there remain hidden injuries to the manner in which subsistence has been framed for political purposes (i.e. as a “lifestyle” rather than a “livelihood”). Thus while access to public lands has remained a central “lifestyle” subsistence issue, harvest levels have not. As a result, harvest levels (even on native lands) have been gradually eroded since the 1970s, while state and federal enforcement of harvest limits has increased dramatically. For those who do not count on regular access to deer meat for food, seasonal limits and annual harvest limits are less important than the right to continue to take deer on public lands for ceremonial and community purposes, and in so doing keep alive tensions between federal laws and local political projects. For those who do count on deer meat as a significant portion of their diet, harvest levels of six deer per year are woefully inadequate, and many of those I spoke with reported harvesting five to ten times this number. Similar issues hold true for the harvest of sockeye salmon, seals, halibut, and so on.

Beyond this, even for those engaged more or less full time in hunting, fishing, and gathering, the cost of equipment requires that they regularly enter into the formal economy, if only for the cash necessary for bullets or gas or other hunting and fishing supplies, usually in ways that serve to dictate a host of usually uneven relationships with others in their villages. For these households, the ability to trade or sell what

they catch is a survival issue, for it greatly increases the efficiency of their labor, allowing them to maximize skills and equipment they already possess. But the non-ceremonial (i.e. commercial) trade of subsistence goods has also never been a major issue for subsistence advocacy in the region. And just as hunting and fishing have seen a significant increase in enforcement levels since the 1980s, so the commercial trade in locally produced items has also undergone increased scrutiny, significantly impacting those households whose survival is most closely tied to hunting, fishing, and gathering.

Other sorts of limits on the discourse of subsistence are just as revealing of the political implications of rooting native culture in a subsistence “lifestyle.” For example, it is interesting to look at other sorts of locally produced (and now formerly locally produced) products that are not included under “subsistence” items. In the 1950s and even the early 1960s, at the height of the cannery period, most households in Southeast Alaska grew significant amounts of potatoes for their own use (Lantis and Fuller, 1948). Yet while potatoes remain a substantial part of village residents’ diets today, I was unable to find a single household actively engaged in potato cultivation in the 1990s in any of the six villages I visited. Older village residents recalled the location of potato fields, and working in them as children, but despite these memories, no one I spoke with thought of the disappearance of potato cultivation as a “subsistence” issue. Instead, many of the old potato fields had been built over by housing projects and are now held as private property. The communal production of the past (where the entire village or some portion of it collectively cleared and maintained fields) seemed impossible today to those I spoke with, and gardening in native villages in the region in the present is limited to very small kitchen gardens located immediately behind a few houses.

Yet even while potatoes continue to be served alongside salmon in virtually every house in every village – often boiled in the same pot – the right to fish for salmon remains a major rallying point for native culture, while the right to grow potatoes seems scarcely conceivable in that same role, despite the fact that potato cultivation has more thoroughly disappeared from the food-producing practices of today’s village than has either fishing or hunting. The reasons for this are both obvious and not so obvious. Obviously, potatoes are not indigenous to the area, while salmon harvesting goes back thousands of years. Yet just as important, I think, is the fact that salmon harvesting involves a confrontation with non-native interests (commercial fishermen, state regulators, federal enforcement officials), while potatoes point us to questions about who gets to live where in today’s Southeast Alaska Native villages, and at what/whose expense. It is worth noting that, with few exceptions, the population of most Southeast Alaska Native villages in the early 1990s (when I conducted research) were not much larger than they were at the end of the cannery era (i.e. mid-1960s) or at the time when Lantis and Fuller did their survey of household production that included the production of large numbers of potatoes (in the late 1940s). High birthrates, then and now, make it clear that questions of land ownership and housing are more than symbolic issues in all of the villages in the region. Given this, the fact that salmon is seen as perhaps iconic with native culture while potatoes are largely forgotten returns us to the fact that culture does things for and to those who live with it. In other words, a discourse of subsistence that includes some things and excludes others is necessarily part of a larger process in which people,

not words, are included and excluded and boundaries around communities are continuously drawn and redrawn.

Returning, then, to the question of village social reproduction, the role of subsistence in holding together native villages where non-native villages failed cannot be underestimated. Subsistence practices and ideologies created the means for marginal households to remain in villages, increasing the viability of schools and stores and other density-dependent enterprises. These same households continue to gain a limited amount of prestige as well by producing ideologically important items for large events. In so doing, however, they contribute to their own marginality by helping the causes of others (whose goals and needs may be, and often are, very different from their own) to gain prestige and political sway from the events they sponsor. At the same time, the greatest threat to the subsistence livelihoods of subsistence-dependent households since the 1980s has turned out to be the industrial timber harvest undertaken by members of their own or neighboring native communities – not surprisingly, under the direction of many of those same folks who sponsor the events at which subsistence plays such a critical ideological role.

In this way (and this is the point raised by the emerging discourse on subsistence), the form that local culture takes – the difference, for example, between advocating subsistence as “lifestyle” rather than “livelihood” – affects social reproduction in direct and indirect fashion, and in both cases, does so by helping to organize people around and bind them across the very lines of class and social division it helps create within native communities. In the case of Southeast Alaska, the current ways in which subsistence is understood and advocated helps to knit marginal households to their communities by marking them as producers of resources that are, for most Alaska Natives today, emblematic of native life. Yet, by allowing marginal households to remain in native villages, the valorization of subsistence practices has increased the power of local leaders (by swelling their constituencies) and helped promote the social reproduction of village-wide institutions such as schools and medical facilities, which are often funded by the state on a per capita basis. At the same time, by harnessing the symbolic resonance of subsistence to land claims projects and native identity (and away from issues of the simple material reproduction of the households of those engaged in the harvest of subsistence resources), subsistence advocacy has actually done very little to help those most dependent on subsistence production for their ability to remain in these communities. In fact, to the extent that local native land claims, and to that extent, ANCSA, depended on recognition of subsistence use, the symbolic recognition of subsistence practices has done more to end the intensive subsistence harvests by marginal households than anything else in recent years, as ANCSA corporations have, in effect, denuded hundreds of thousands of acres of local hunting and fishing areas throughout the region. It is in this sense that culture and politics are joined functionally, not simply symbolically or ideologically or even legalistically.

This sort of relationship creates a politics of social reproduction within which local culture is defined and lived quite differently by different members of every community. In contrast to both the politics of recognition and the politics of normalization, the politics of social reproduction turns the understanding of native culture away from questions about relations between the local community and the surrounding political economy and back toward questions about relationships within native

communities. The dynamics of the latter are not comprehensible without an understanding of the first two processes. But neither is the role of culture in local social reproduction reducible to either the politics of recognition or the politics of normalization. In this way, village social reproduction (and the visions of culture that emerge from it and continue to play a role in it) remains both the source of native autonomy in the face of outside domination and the source of some of the most painful social dynamics present in Native American communities today. And it is in this sense that native culture remains not simply a dilemma for anthropologists, but also, and much more seriously so, a dilemma for native communities themselves.

CULTURE POLITICS

Jeanne Favret-Saada begins her ethnography of witchcraft beliefs in rural France (1980) with what seems to be an irresolvable analytical problem: namely, that her attempt to learn about witchcraft beliefs immediately assured the people among whom she was living and working that she was already a very powerful witch. After all, who but a powerful witch would be willing to talk about these things openly, and who but a very powerful witch could do so with such impunity? The more she asked and the longer she escaped supernatural sanction while doing so, the more convinced those around her became that she possessed a secret power able to deflect the ill will that she must necessarily be invoking. Her attempts to assure them of the “academic” nature of her interests were seen as further evidence of her guilt, for who but a witch would be so obviously interested in such things while denying any intention of using them, even for self-protection. In this way she became doubly dangerous – powerful and hidden. Her words were no longer fully her own, heard as they were in ways she could have neither foreseen nor prevented. For those around her, talk about witchcraft was “dangerous,” and whether she liked it or not, her words became elements of the very discourse she sought to discuss; her anthropology became “dangerous words.” In the United States, talking about race works similarly. To talk about race is, whether one likes it or not, to participate in (rather than simply comment on) a racialized discourse. Even to talk about talk about race is find oneself in the same predicament. There is no neutral ground from which to address the issue. If everyone has race, as the concept of race assumes, then everyone speaks from a racialized position, regardless of what they speak about – including race itself.

The question for talk about Native American culture(s) is both similar and not so similar to talk about race. As Field and others have pointed out, anthropologists are sometimes welcome – and even occasionally invited – by native communities to speak *as anthropologists* about native culture, provided the intended audience and topic are agreed upon (Field, 1999). At other times, their status marks them as a party to, rather than observer of, the issue in question, and their words become “dangerous” – whether intended to do so or not. The purpose of this chapter was to raise the question of how this dilemma – the inherent dangerousness of studying and representing culture – might be differently understood from a perspective that also includes some acknowledgment of the dilemmas of having culture.

James Collins (1999) and an increasing number of others have commented that divisions within native communities make “collaboration” a complex problem

that involves questions far more complicated than the tired old saw of “objective versus engaged” anthropology (see D’Andrade, 1995 versus Scheper-Hughes, 1995). “Collaboration with whom?” they ask. This chapter has tried to take this discussion a step further by asking about the nature of anthropological collaboration with native communities in situations where the sides are not so clearly marked, and where the divisions may be between people and their own culture. For the recognition that native groups are fragmented represents only part of the picture painted here. Or rather, that their dividedness remains an anchor on their relationship with other natives, or with the surrounding society, represents only a partial understanding of the situation. Importantly, we cannot discount the fact that native communities in Southeast Alaska did survive where non-native communities could not. And the reasons that they did have a great deal to do with the type of culture that was being made there. Yet this is not because culture somehow inured village residents to suffering. Nothing can do that. Nothing. Southeast Native communities survived, painfully, but they survived, often knowing (even while not looking too closely at) the price they paid to do so. Local differences produced by specifically local forms of native culture – a culture that separates native communities in Southeast Alaska from their now-abandoned non-native counterparts – is both the strength and the limit of native communities. It is both the source of profound collective strength, and thus also a source of profound, and unevenly spread, personal suffering.

A collaborative anthropology in these circumstances need not necessarily choose sides. Nor must it avoid commenting on the sorts of divisions that are part and parcel of the cultural processes (processes anthropologists more often see than write about) at work in the communities in which they study. Rather, anthropologists in such circumstances are valuable to both (or perhaps better, *all*) sides, for they can help communities come to see the sorts of divisions that provide both their strength and their limits – to see both the costs and the benefits of the particular cultural constructions undertaken at particular times and places. This is not a call for a return to objectivity. Rather, it is a call for genuine engagement, where collaboration is mixed (uncomfortably at times) with confrontation, and the social distribution of the costs of having culture are as much a part of the research agenda as the way that culture can be mobilized to create autonomous spaces for native communities within surrounding, mostly dominant societies (see Bornstein, 2001). Recognizing that these are indeed two ends of the same process means that an anthropology that seeks to understand either one must necessarily come across the other.

Native leadership and an engaged “Native American studies” has just as much interest in seeing these sorts of projects come to honest conclusions as do those whose plight will be illuminated, for they, above all, have an interest in understanding the limits and possibilities of the systems of meaning and social organization they foster and help reproduce. Anthropologists who feel that we must turn a blind eye toward the divisions we encounter in native communities sell short the nature of both native advocacy and native leadership. The introduction of such questions into native forums via anthropology helps generate discussion, and does so not because we know the answers, but because our particular way of looking at things points us toward particular sorts of problems that are of concern to native communities as a whole. In the words of Cynthia Keppley Mahmood, our role is “not to praise or condemn our

interlocutors, but to discover with them the challenges they face” (1996; quoted in Bornstein, 2001: 571).

To cite one apt example, in *Black Eyes All of the Time* (1999) McGillivray and Comaskey published the results and recommendations of a 1995 study aimed at understanding the effects of turning over native men arrested for domestic violence to native courts in Canada, with the purpose of improving the ways that native courts deal with abusers. While the book strives and succeeds on several levels (historical context and realistic recommendations for reform), it lacks the sort of community detail that anthropologists expect, and in fact would require for a full treatment of such a complex and exceedingly local problem. This sort of engagement is not strictly collaborative in Field’s sense (1999), nor does it require one to choose sides, as the alternative might seem to suggest. Rather, it raises the possibility that anthropological contributions may be better placed in exploring our traditional areas of expertise – tradition, social organization, community form – but from a perspective of how these things serve to make communities that are only ever partly able to accommodate them or even live with them.

In this way, anthropological talk about Native American culture does not eschew its “dangerousness” (through either the retreat into objectivity or by hiding behind the mask of collaboration), but rather seeks to take up a position within the discourse of native culture for which it is better suited. Put more directly, the apparently paralyzing predicament of *studying* culture – with its seemingly unsolvable questions of collaboration versus complicity, or objectivity versus engagement – seems to me to be the product of anthropology’s refusal to take seriously the dilemma of *having* culture. Questions about studying culture seem to be unresolvable until we recognize that the sorts of things anthropologists do best are precisely the sorts of things needed to help native communities explore their own dilemmas – the dilemmas of having native culture in the peculiar political and social circumstances they are in; circumstances I have tried to discuss above as dominated by the politics of recognition, normalization, and social reproduction. The recent spate of largely ambiguous, highly popular explorations of the dilemmas of native life – I think of the film *Smoke Signals* of the novel *Skins* (Eyer, 1998; Louis, 1995) – point to the fact that such questions are being asked by native communities, being asked of and to themselves, and of and to the society around them. It is here, I think, that anthropology might be more usefully “engaged” in research about Native American culture politics.

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CHAPTER 20 Cultural Appropriation

Tressa Berman

“Take away Mount Shasta and there is no Wintu art.” This statement by Wintu artist Frank LaPena shows how land, identity, art, and place converge in the expression of Wintu cultural life (quoted from a panel at the California Indian Conference proceedings, Berkeley, 1997). This interconnectedness is threatened by various acts of appropriation, most obviously, the initial appropriation of land through conquest and colonialism, later enforced by federal Indian and United States property law. While Native Americans have successfully used some of these same laws to reverse the dispossession of their land and natural resources, the cultural appropriation of cultural objects and ideas is more difficult to identify and guard against.

Many non-native people may dispute certain forms of appropriation as innocent borrowing. However, when the taking of ideas, images, and designs is done without recognition, permission, or compensation, then wrongful appropriation takes place. For example, in their book *Borrowed Power*, Bruce Ziff and Pratima Rao point out several issues related to cultural appropriation. These include: (1) that it is often linked to cultural degradation; and (2) that it concerns power relationships among people (1997: 1–27). For Native Americans, appropriation stems from the taking of native land itself, the extinguishments of native title through treaties, and the historical repression of cultural practices through state-sponsored violence and legal sanctions. Cultural appropriation flows from these practices in native North America. When understood in this historical context, the property laws that uphold power relations between the United States government and Native American nations are a double-edged sword. On the one hand, they define the limits of a native land base and political sovereignty. On the other hand, legal tools can be applied by native peoples in order to successfully arbitrate claims to native land, resources, and cultural properties.

These points help to situate cultural appropriation as a complex and continuous effect of colonial relationships with subject populations in the settler continents of the world. In these colonized contexts, indigenous peoples seek both legal protections and social sanctions against the continued, unauthorized takings of cultural

properties. This movement against appropriation has galvanized into a groundswell of claims and newly formed agreements between indigenous peoples on behalf of their intellectual and cultural property, and are based within the frame of legal systems derived from British common law as applied in the United States, Canada, Australia, and New Zealand.

While native peoples continue to work within these legal systems for the restitution of and/or compensation for appropriated lands, attempts to redress cultural forms of appropriation are much more recent. In legal contexts, a new sub-field within property law has emerged: that of indigenous intellectual and cultural property rights, or ICPR. Related to this, indigenous knowledge (IK) has arisen as a new area of protection (see chapter 7). There are two main legal areas of ICPR: (1) tangibles, or cultural objects; and (2) intangibles, or those areas of creative cultural expression, such as art, language, and even identity itself (forms of intellectual property).

It might seem extreme to say that identity can be appropriated. But when cultural practices – that are themselves specifically situated in relation to land and place – are removed from the sites and social relationships that give them their meaning and power, they also carry away with them core aspects of identity. Therefore, appropriative practices often result in cultural harm, or in a dilution or distortion of cultural identity. A clear example of this is the use of American Indian mascots by sports teams. Recalcitrant team owners who deny the degrading effects of racist banners also deny the moral, ethical, and legal positions that protect groups from cultural harm. In cases of American Indian sports mascots, cultural harm results when the images that confront Indian people in profoundly new contexts distort Native American identities and trivialize Native American concerns about these distortions (see chapter 21). Appropriation occurs when images of American Indians lodge themselves in non-native sign systems where they are assigned new meanings. Native American artist and activist Charlene Teeters brought “Chief Illinewek,” a fake Indian complete with a fake “Victory Dance,” to national attention. In a documentary film about the case “In Whose Honor?” we see the damaging impact that this fictional collegiate sports icon had on her, as well as her unfair treatment by the non-Indian fan base at the University of Illinois (Rosenstein, 1997). The international knock-off trade in American Indian art also deprives native peoples of the dignity of an authentic identity, and furthermore results in the loss of untold millions of dollars when “copy-cat” art works are sold at lower market levels. Instances range from false labeling, such as “Cochiti” drums not really Cochiti (Pinnel and Evans, 1994), to design patterns taken from high quality Dine (Navajo) weavings and copied into mass-produced rugs made in Mexico (M’Closkey, 2002). Even genuine “Indian-made” goods sold on the market are not a guarantee against cultural appropriation, since critical questions remain with respect to who controls the production, distribution, and marketing of native goods, and who stands to benefit and how.

Various forms of legal protections attempt to address these cultural and economic harms. However, most legal remedies are based on Western concepts of private property. For example, copyright laws that may protect objects or works of art from misappropriation into the market are premised on the notion of the individual as creator and owner. As a result, collective ownership is rarely acknowledged (such as group rights to designs, or kinship and clan rights to stories or objects). Native groups recognize, however, that Western property law is only one way to shape the

issues and understandings of appropriation. Moreover, through their increasing participation in global forums, indigenous groups work together to develop new protections for land, sacred sites, and their cultural and intellectual property. Some international bodies, such as the United Nations Economic, Social, and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO), have codified some aspects of identity in relation to ownership, use value, and the rights of cultural caretakers to specific objects and ideas (Berman et al., 2001). Local Native American communities likewise draw from their own standpoints of cultural knowledge to assert their rights and claims to indigenous land and “property.” For example, the Gitksan of British Columbia combined technological innovation (such as geographic information system (GIS) mapping) with oral history to document their rights to control tribal resources and redraw the boundaries of tribal lands. These forms of documentation serve as kinds of “evidence” that can be recognized in court proceedings over tribal claims to resources and claims to knowledge over those resources. The results of international efforts, such as the Gitksans’, strengthen international legal pressures to accept the merits of tribal (i.e., group) evidence in cases of Native claims.

WHO OWNS CULTURE? CULTURAL APPROPRIATION AND LAWS OF OWNERSHIP

The term “cultural appropriation” implies ownership. Ownership in turn carries complex rules when culturally specific meanings are applied. The common understanding of appropriation is “to take without permission.” Cultural appropriation is not a legal term, though it can have legal implications and consequences. The phrase covers a range of possibilities – from self-directed collaborations and hybridizations (see chapters 11, 24), to illegal forms of infringement or wrongful taking. In its extreme forms, appropriation can result in cultural annihilation of Native American identity, and tribal existence. The boundaries of appropriation are not always clear, nor are they static. For instance, in the early reservation period of the late 19th and early 20th centuries, American Indians often sold individually and collectively owned goods and knowledge to non-Indian missionaries, army personnel, ethnographers, and other collectors in order to get cash and goods to survive. These unequal exchanges were acts of cultural appropriation on the part of non-Indian buyers and traders, though at the time, they appeared to fulfill complementary purposes: for the collector, a chance to document what was believed to be a “vanishing race”; for the Indian, a desperate attempt at survival. Current repatriation legislation calls for a re-evaluation of past practices, and the return of cultural objects to native communities. The most well-known examples of repatriation involve the return to tribes of their ceremonial and sacred objects, and human remains, from museum collections.

In 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) was enacted to redress more than 150 years of wrongful taking of human remains and cultural property by mandating inventories of Native American materials in the collections of museums receiving federal funding, requiring notification of tribal governments of materials identified in the inventories, and the repatriation of human remains, funerary objects, sacred objects, and cultural patrimony (objects

owned by tribes, not individuals) to lineal descendants, tribes, or other culturally affiliated groups (see chapters 24, 27). Invoking the wording of NAGPRA, the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, won their petition to repatriate a painted wood and cloth *dilzini gaan* mask from the University of Pennsylvania Museum. Attorney Roy McCoy summarized the case as follows:

Representatives of the White Mountain Apache Tribe . . . stated that “a relationship of shared group identity exists between the original makers of the headdress” and their tribe. Also, they explained, the mask “is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.” Finally, they maintained that the mask “has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not properly or legally have been sold, alienated, appropriated, conveyed, or taken into ownership by any individual.” (McCoy, 2002; see also National Park Service, 2001: 17574)

The return of human remains, the protection of sacred sites, and the repatriation of cultural items address the question of who “owns” culture, and also directly contribute to the religious freedom of native peoples by restoring use rights and proprietary rights attributed to cultural objects (Berman, 1997). Wrongful taking of cultural property is a form of appropriation with legal repercussions. Repatriation legislation helps to offset this form of infringement and make amends for past practices.

A complex concept, but one necessary to the debates on cultural appropriation, is the idea that cultural properties are governed not only by the formal law, but also by unwritten social codes of meaning. This, however, creates a dilemma. While Native meaning may be required by legal authorities, such as judges, in order to make determinations regarding affiliation and repatriation of Native materials, there is a distinct danger of revealing specialized indigenous knowledge (IK) to unqualified or uninitiated native and non-native audiences. Distinct bodies of specialized knowledge, especially sacred knowledge, are not part of the public sphere in native societies, nor are they part of the “free market of ideas” in Western societies. Rather, specialized knowledge in native communities is often controlled on the basis of complex social rules involving age, gender, kinship, and ritual preparations (see chapter 9). In legal claims for repatriation of ceremonial objects, however, the burden of proof rests with tribes and tribal members to demonstrate not only their affiliation to, but also the significant cultural use of, objects. In this way, the law is once again a double-edged sword: one that can be used against the harms of past policies, but one that also potentially cuts into the fabric of indigenous knowledge systems. In practice, the knowledge of medicine people and other cultural specialists is often invoked when pressing a repatriation claim against a museum for a particular object of cultural patrimony. The process of disclosure can reveal previously “hidden” knowledge to uninformed and uninitiated outsiders to the knowledge system.

Certain forms of “evidence” in support of native claims may be purposefully hidden to protect IK. Women’s knowledge is an example. In the context of cultural patrimony and the need to safeguard cultural knowledge, the right to remain silent can also be understood as the right to retain power and knowledge. But women may also be silenced because of the cultural ignorance of legal interrogators. Because Native American women may not be selected by their communities as formal leaders

as often as are men, or perceived by non-Indians as tribal representatives in public hearings, women's ceremonial knowledge, which often informs public discourse in native communities, remains silent in public claims.

Repatriation not only redistributes cultural property, but also redistributes power and knowledge in ways that are symbolized by the act of return itself. For example, in the well-documented case of the return of Kwakwa'kwakw (formerly and also known as Kwakiutl) potlatch items at Alert Bay, British Columbia, the redistribution of goods and objects marked women's centrality and reinforced women's knowledge. Furthermore, the social purposes of objects preserved through customary rights become locally re-empowered by the collective assent necessary to petition for repatriation, and by a collectively sanctioned site of reception (in this case, Alert Bay). In this example, we again see the relationships among cultural knowledge, cultural property, place, and meaning, and how they intertwine. In this way, repatriation serves as more than property restitution, but as a larger act of decolonization. Furthermore, repatriation can serve as a form of re-appropriation by taking back what belonged to native peoples, and reintegrating repatriated objects into new forms of ceremony and customary practices. In other words, repatriation can be both supportive and *generative* of native cultural practices.

But what of the intangible forms of cultural property – those referred to in the law as intellectual property rights? The separation between “tangibles” and “intangibles,” like the notion of “property” itself, is a Western legal construct built on principles of the rights of the individual as creator and owner. There are two fundamental problems with this approach with respect to indigenous claims: first is the distinction between tangibles and intangibles itself. For example, when producing a Navajo rug, a Dine (Navajo) weaver sings and dreams the design into being, while at the same time, keeping all thoughts focused on the person or persons for whom the weaving is made. Second, the paradigm of the sovereign legal individual who creates intellectual property – the author, artist, composer, inventor – proves incongruent with certain indigenous conceptions of collective use rights and group ownership of culturally sanctioned items and forms of creative culture. For example, a Mandan head piece in the National Museum of Natural History collected by the ethnomusicologist Frances Densmore at the turn of the 20th century derives from the Mandan women's Goose Dance Society. The Goose Dance Society was an age-graded social and ceremonial organization that held collective rights in the production and protection of cultural knowledge associated with songs, dances, and related ceremonial objects. The group rights that potentially inhere in such objects and associated creative expressions cannot be governed by traditional United States property-rights law. While repatriation legislation may positively impact group claims to historic objects, property law in general remains designed to protect the individual creator and claimant.

The most common form of intellectual property rights applied to indigenous expressive culture is copyright law. Copyright law, however, does not protect ideas, only the material manifestation of those ideas. Stronger forms of protection reside in trademark and patent applications of intellectual property, and some American Indian rights advocates have proposed an American Indian trademark to protect American Indian art works from the kinds of “knock-off” objects mentioned earlier. The kinds of harm that can result from this form of appropriation have already been mentioned

with respect to the market, such as the proliferation of Mexican-made “Navajo” rugs. In addition to devaluing originals and forcing a decline in Native production, counterfeit and “copy-cat” works also can speed a generational decline in transmission of cultural knowledge. For example, Mandan and Hidatsa quillwork has nearly faded from cultural production, while non-Indians develop the craft with little or no knowledge or regard for the customary rules and culture-based meanings associated with its production.

In Alaska, the proliferation of non-native art works, such as jewelry, masks, and sculptural figurines, has resulted in a state-sponsored trademark system, called the Silver Hand (Hallowell, 2004). The symbol, originally designed to protect consumers from fraud, also guarantees the protection of the Native American producer’s identity and livelihood. Some tireless advocates have proposed implementation of a nationally recognized collective-certification trademark that would protect native art works once they enter the market, and foreground the rights of the group over the claims of individual artists. Andy Abeita, an international trade consultant from Isleta Pueblo, has laid the groundwork for tribes to develop a collective-certification trademark that each tribe could register with the United States Patent and Trademark Office: “The trademark would be indelibly marked into the handmade products of each artisan of each respective sovereign Tribe, thus authenticating the work as a genuine original deriving from the Indian nation as a whole and from an individual member within that constituency” (Abeita, 2001).

Trademark law was applied in the well-known Washington Redskins football case (*Harjo et al. v. Pro-Football, Inc.*, Cancellation No. 21,069 [Trademark Trial and Appeal Board, U.S. Department of Commerce, 1998]). A coalition of American Indian artists, activists, and attorneys petitioned the Trademark Trials and Appeal Board of the U.S. Patent Office to revoke the registration of the “Redskins” trademark because, they claimed, the racist term and associated images violate the Lanham (Trademark) Act, which specifically prohibits the registration of marks that “may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute” (Harjo, 2001: 189). In 1999, the Trademark Trials and Appeal Board ruled in favor of the petitioners to cancel the federal trademark on these grounds. In September 2003, however, a federal district court hearing an appeal by Pro-Football, Inc., reversed the earlier decision, opining that the petitioners had not demonstrated that the trademarks were “disparaging to a substantial composite of Native Americans” at the time the marks were originally registered in 1967 (*Pro-Football, Inc., v. Harjo et al.*, 284 F. Supp. 2d 96, 139 [United States District Court for the District of Columbia, 2003]).

Another case where appropriated images resulted in cultural harm is the “Crazy Horse Malt Liquor” case, which involved a claim of defamation of character and violation of publicity rights on behalf of the descendants of the Lakota Chief Crazy Horse (*Tisunke Witko*). The estate of Crazy Horse, represented by a member of the Rosebud Sioux Tribe, sued the New York malt liquor manufacturer, Hornell Brewing Company, in Rosebud Sioux Tribal Court (*Hornell Brewing Co. v. Rosebud Sioux Tribal Court*, 133 F. 3d 1087 [United States Court of Appeals for the Eighth Circuit, 1998]). In the matter of defamation, Crazy Horse was well known to have been hostile to alcohol and its effects on his people. In addition, in matters of publicity, his own name was prohibited from being uttered after his death, except by his closest

relatives. Issues of cultural harm were brought out in depth in papers submitted to the case (Gough, 1999). To date, no final ruling has been determined against Hornell Brewing Company, but its contracted bottler of the beverage, Stroh Brewing Company, apologized to the descendants and offered in restitution under Lakota customary law 7 horses, 32 blankets, 32 sweetgrass braids, and 32 tobacco twists, that were presented in a public ceremony on the Rosebud reservation in South Dakota (Melmer, 2001: A2).

In attempts to remedy unjust appropriation of cultural images, Native American scholars and attorneys have insisted on the cultural aspects of cultural property that legitimize native claims, such as associated oral histories and collective assertions of identity. With respect to cultural properties, certain cultural objects can no longer be alienated from their caretakers and their places of origin without consent and legal consequences.

In other areas of cultural appropriation, the law is weak and protections are almost non-existent. This is most true of images and ideas considered to be in the *public domain*. This is a complicated area of appropriation because indigenous objects and symbols have long been treated as “public,” in that the rights of publicity (such as rights to reproduce images and names of individuals) and property rights do not apply justly or evenly to native peoples. For example, appropriation of indigenous iconography into state and national symbols becomes a form of assimilative practice whereby “Native Art” stands in for “Native.” When native names and images are absorbed into the dominant culture for market purposes, a kind of commercial colonization takes place. Examples range from indigenous names and images for private businesses, such as the ubiquitous Hopi katsina throughout the Southwest region, to the appropriation of the Zia sun sign as a symbol for the state of New Mexico (Pino, 1995). In legal practice, the only way to protect indigenous objects and motifs at points of market intersection is to treat them like (private) property. Otherwise, free-floating images circulated in the American mass culture can be appropriated when they are released into the market and the mass-mediated repertoire of common images, where they are sometimes mistaken for public domain where they are free for the taking. The Redskins trademark case points to the complex relationship of ideas and materials in the public domain and the near futility of legal sanctions in that realm. The initial ruling in the case was a backhanded victory for Native American plaintiffs, who won on grounds that found the football team in violation of trademark law. However, the revocation of trademark registration, as described earlier, simply released the name “Redskins” into public domain for potential multiple usages, not just exclusive use by the Washington, DC-based football team.

PUBLIC DOMAIN AND INTELLECTUAL PROPERTY RIGHTS (IPR)

Many legal positions that would extend intellectual property rights to indigenous claims to knowledge and property remain based on arguments of (Western) economic rights. Economic rights are one part of the “bundle of rights” described by legal scholars as inherent in property law. Other property rights include moral rights, rights to possession, and use rights, to name a few. Economic rights within the realm of IPR

are mostly concerned with monetary compensations for property infringements. This is the most familiar form of IPR protection in the marketplace, especially as it protects corporations from wrongful use of their names or symbols, as granted in trademark protections. But the concern for the protection of knowledge as property results in its *commodification*. As such, “knowledge” is reduced to “information” that can become alienated from its source, and take the same role as any other commodity in the marketplace. This kind of commercial alienation can result in sales, purchases, and licensing of specialized knowledge.

A number of considerations arise in our understanding of the incomplete approach to IPR that can result from a strictly economic-rights approach. First, what is missing from an economic rights position is attention to the moral rights that Western property law also embodies (Tsoie, 1997). For instance, the production of fake katsina figures may result in cultural harm among some Hopi producers whose identity and livelihood are inextricably linked, and whose spiritual beliefs may be defiled through false representation of “Hopi-ness.” Larger questions of representation can also arise – such as what is authentically “Indian?” – especially in claims to indigenous symbols, such as *katsinam*, which have long been treated as if they were in the public domain (Pearlstone, 2001). In short, a central question of representation arises: who gets to “represent” particular forms of “Indianness,” whether in material objects or expressive culture?

Second, *access* to the law, and who has it, addresses the heart of the power relations inherent in appropriation. The law does not extend evenly or equitably to all persons or corporate entities that might have interests in asserting IPR. At the extreme end of unequal access to the law, it could be argued that Western property law itself does not extend to the variety of public constituents (e.g., indigenous peoples) evenly or equitably. Third, as mentioned earlier, Western property law remains premised on individual claims, and thereby leaves few options for collective claims to IPR (on the difference between the Western paradigm of individual and corporate private property, and a kin-based native paradigm of collective or communal claims, see chapter 13).

Some scholars have suggested that the federal-trust relationship established by treaties has already put a legal doctrine of collective native rights in place (Berman, 2004). Federal Indian law also includes an established *reserved rights doctrine*, which states essentially that any rights not explicitly ceded by tribes or lawfully divested by Congress remain in place. In short, reserved-rights doctrine also establishes collective rights. These legal foundations suggest the possibility of invoking existing precedent and statutes within federal Indian law for IPR protections in collective claims to creative works, especially if those “works” emanate from, and “belong” to, a collectivity of family, clan, or tribe (as with songs, images, and names). As noted earlier, NAGPRA has recognized the right of the collectivity to file such claims for objects held in federally funded museums. But what about the widespread misappropriation of native symbols, designs, and motifs that find their way into commercial or government use for non-native gain or other purposes? How do tribes re-claim those objects, images, songs, and stories that have fallen into unprotected territories of the public domain?

In Australia, manufacturers of Flash T-shirt designs claimed that Aboriginal designs were in the public domain because they had already been published in

books (Johnson, 1996). The T-shirt case resulted in an out-of-court settlement for Aboriginal artists, and subsequent legal decisions have since ruled in favor of Aboriginal plaintiffs claiming violation of copyright. The most well-known Australian case, *Milpurrurru et al. v. Indofurn Pty. Ltd. et al.* (54 FCR 240 [Federal Court of Australia, 1994]) found a Vietnamese manufacturer of woolen carpets to have infringed on copyright under the 1968 Copyright Act and infringement under the 1974 Trade Practices Act for its flagrant appropriation of Aboriginal art and artists' designs taken from works published by the National Gallery of Australia. In what is now referred to as "the carpets case," Aboriginal plaintiffs demonstrated cultural harm as an effect of the violation of copyright. In his judgment, Justice Von Doussa

acknowledged that the unauthorised use of the artwork was in effect the pirating of cultural heritage and that the infringement of the copyright of the artists has or is likely to have far reaching effects given the cultural environment in which they live. Such effects could include preclusion from the right to participate in ceremonies, removal of the right to reproduce stories of the clan, being outcast from the community or being required to pay money. Evidence was given by one Aboriginal artist that there was the possibility of spearing as a sanction in serious cases. (Johnson, 1996: 40)

Despite the significance of the carpets case to the protection of Aboriginal artists' rights, the uneven application of IPR protections cannot stop the churning proliferation of unprotected images into the commercial sphere. Almost anywhere that "indigenism" has been supplanted by "commercialism" (a new brand of economic colonialism; see chapter 18), such cases abound.

Another matter deserving of careful attention is the divulging of indigenous knowledge (IK) in public hearings on IPR. While NAGPRA procedures allow the use of oral histories and Native American interpretations of material culture to be used in determining claims to objects, the fact is that academic (ethnohistorical, archaeological) and legal records are privileged in the work of documenting museum collections, and in legal proceedings. The Tidwell Case at Hopi is a case in point, whereby traditional leaders from First Mesa Villages testified in the first full jury trial under the provisions of NAGPRA. By sharing privileged information in a public setting, the case compounded the issues of secrecy and compartmentalized ceremonial knowledge related to sacred objects wrongly purchased by Rodney Tidwell (Spencer, 2001).

In sum, the issues that surround images and texts in the public domain comprise a complex area of the law, as well as a difficult-to-define area of appropriation. What some scholars and activists suggest is the expansion of existing property laws to protect further release of native images and objects into the public domain without just compensation and recognition. This is, in part, the argument for the development of an "Indigenous" trademark. In other cases, such as the use of American Indian mascots, existing law is challenged in order to redress continuing forms of institutionalized racism in the public domain.

The flip side of the public domain is privacy. Privacy, or forms of secret and sacred knowledge, is breached when cultural knowledge is forced to the fore in legal proceedings. Understood in the context of power relations, it's about whose story gets told and who has the right to tell it (Keeshig-Tobias, 1997; Tsosie, 1997). In this

light, the issue of secrecy is related to silence as a way to control the flow of cultural knowledge, and in recent years, as a way to insure that indigenous knowledge does not become a matter of public record.

GOING PUBLIC, MAKING ART

The public space of exhibition display has in recent history become a contested site between museums (which often serve as vessels for the dominant society's ideas) and their colonized subjects. In related ways, Native American artists have had selected representation within the contemporary art world, and are still largely associated with history or "folk art" museums or "Native"-designated venues. Moreover, Native American art has long been mined as a "resource" by non-native artists and for commercial enterprises, just as Native American land was mined (often quite literally) as the first act of dispossession and appropriation. Thus, while "appropriation" has become a popular topic for exploring themes in the art world in general, especially as new Internet technologies enable mass production and reproduction on a global scale, Native American and other indigenous artists have long struggled against historical forms of appropriation. In a critique of the various forms of cultural appropriation – from land to creative symbols, religious rites, and ideas – indigenous artists bring humor, irony, and creative juxtapositioning to art works that counter long-held stereotypes and images of native peoples. Examples of controlling images range from so-called Indian princesses (Ringlero, 2004) to Plains warriors, used to represent Indians everywhere (see chapter 18). In Canadian Cree artist Joane Cardinal-Schubert's series "Preservation of the Species," the artist confronts misappropriation of native objects and highlights how museums attempt to preserve native cultures as "untouched" by non-native contact and influences. She does this by creating replicas of museum garb (re-appropriating), affixing them to exhibit mounts shaped like crosses (assimilation), and "preserving" them in plastic, sealed like body bags (see also Cardinal-Schubert, 1997).

International responses to colonized images parallel indigenous self-determination movements on a global scale. In part, by reclaiming public identities and forms of representation, indigenous artists also challenge the laws of the market whereby the marketing of stereotyped images becomes an expected commodity. The act of "selling the Indian" (Meyer and Royer, 2001) has deep parallels in other settler continents, such as New Zealand and Australia, where similar protections of IPR are sought in cases of commercial and artistic appropriations. As Koori artist Gordon Syron decrees in a painting that juxtaposes expected Aboriginal "dot painting" with abstract imagery and text: "There is a billion dollars in Aboriginal art to be made if you keep us in the Stone Age."

In Australia, the issue of representation is inextricably wed to the marketing of Aboriginal art, specifically canvas and acrylic paintings that were introduced to desert communities in the 1970s and whose sales peaked in the late 1980s (Myers, 2002). The art forms that spring from these places have direct references to them as sites of collective knowledge. Indeed, the very right to depict particular sites carries cultural obligations that inhere in the Dreaming – the complex set of rights, responsibilities, beliefs, and knowledge that follow particular paths of cultural transmission through-

out Aboriginal Australia. The specificity with which this knowledge is visually depicted is collectively recognized to such an extent that paintings have been successfully used as court evidence in Aboriginal land claims. As described by Joan Winter, Curator of Australia's "Native Title Business" exhibition:

[I]n 1997 members of the Ngurrara Land Claim were asked to prepare a map for their native [*sic*] title claim. Not schooled in cartography or literacy, artist members from Mangkaja Arts Centre, Fitzroy Crossing, chose to paint their country in a massive 18 by 12-metre canvas, which each member stood on and pointed to when giving evidence in court. The visual arts continue to act as a bridge, a means to cross barriers, convey knowledge and substantiate culture. (Winter, 2002: 9)

Art rights thereby entwine with land rights in many Australian claims of appropriation and restitution. Such claims are in turn linked to core issues of identity, especially with respect to one's "country" or homeland. This perspective echoes the one asserted by Frank LaPena about the Wintu's relationship to Mount Shasta, quoted at the beginning of this chapter. For indigenous artists, the relationship between land and forms of creative expression is inextricable.

In addition to those mentioned, several other recent exhibition projects explore the relationships between land rights, art rights, and cultural appropriation. Of these, Australia's "Copyrites" exhibit perhaps most directly crosses the legal bridge between artists' rights and copyright infringements in Australia (Johnson, 1996). The exhibition highlighted cases of appropriation, some that resulted in court rulings, such as the "carpets case" discussed earlier, and others that were settled out of court, such as the case of T-shirt designs taken from Aboriginal artists. Not surprisingly, the "carpets case" has been compared to the precedent-setting *Mabo* land claims case of 1992, in which Torres Strait Islander Eddie Koiki Mabo won the first land-claims victory in the history of the Australian High Court. Similar themes present themselves in contemporary American Indian art exhibitions, such as "Who Stole the Tee Pee?" which opened at the National Museum of the American Indian in New York in 2001, and included more than 30 artists whose works reflected their own expressions of identity in relation to commercialized imagery, and a re-appropriation of objects, imagery, and art forms in contemporary and hybridized terms (National Museum of the American Indian, 2001).

Some of the transindigenous themes raised by the artists in these and other related exhibitions were brought into international dialogue in an exhibition, "Cultural Copy," held at the Fowler Museum of Cultural History at the University of California at Los Angeles in 2004. The exhibition involves the works of American Indian (USA) and Aboriginal Australian and Canadian contemporary artists in a visual dialogue on themes of cultural appropriation. Because of the elastic definitional framework of appropriation, curators and artists working on the project define their own terms of engagement and responses to the concept. For example, Canadian-based Lakota artist Colleen Cutschall's installation "The Unequator" derives from the Hudson Bay blankets traded in the late 19th and early 20th centuries. In this piece, the "blanket" (acrylic paint on unbleached linen), draped over a boarding school bed frame, resembles the Hudson Bay prototype on the edges, while the center depicts a map of the world with the terms *terra nullius* ("vacant land") and *pays inconnu*

(“unknown land”) inscribed at either end, reminding the viewer of the settler colonists’ legal fictions of “unoccupied” lands “discovered” in Australia and Canada respectively (Jones and Mattes, 2001).

For some artists, the term “appropriation” represents a history of policies of annihilation – the most extreme form of appropriation and the initial assimilative tactic of cultural repression. For others, self-directed collaborations inspire creative and two-way appropriations, such as the indigenous/non-indigenous collaborative projects of Michael Nelson Jagamarra and Michael Eather in Australia, and Hopi artist Michael Kabotie and Irish artist Jack Dauben. These new forms of collaboration and hybridization give rise to new ways of thinking about “appropriation” by insisting on indigenous rights to direct the flow and content of indigenous cultural knowledge and creative ideas.

RE-NAMING, RE-SHAPING: NEW CONTEXTS FOR RE-APPROPRIATION

The works of native artists as discussed in this chapter continue to “talk back” to appropriative practices and by extension contribute to the re-writing of art history, and the way that history itself is told. By bringing these issues to the fore, indigenous peoples have enabled the work of artists who critique appropriative themes. Installation artist Fred Wilson’s projects of recontextualizing museum objects within the museum itself have become powerful reference points for critiquing our cultural institutions by using allegory as a form of re-telling history from a subject’s point of view. For example, “in *Friendly Natives* (1991) . . . the artist [Wilson] placed a series of human skeletons in Plexiglas vitrines, each with a subversive label – ‘Someone’s Sister,’ ‘Someone’s Mother,’ ‘Someone’s Father,’ ‘Someone’s Brother’ – that reminded the viewer of the usual role of the tribal body and culture as neutral commodities subjected to the dehumanizing gaze of the anthropologist or curator” (Berger, 2001: 14). Based on his provocative projects, Wilson was selected to represent the United States at the 2003 Venice Biennale, the pre-eminent contemporary international arts showcase. In a creative gesture, a group of American Indian artists, intellectuals, and educators launched the exhibit “Ceremonial” at the 1999 Venice Biennale. The non-profit collaborative group Indigenous Arts Action Alliance (previously, the Native American Arts Alliance) held shows at sites off the Giardini locale again in 2001 and 2003. By showing up with their artworks, and at their own expense, the artists were able to make culturally meaningful statements about Native American art in a global context. (Mithlo, 2004).

Broadly construed, censorship includes both active erasure and more indirect marginalization as a failure to recognize achievement (or existence). The idea of censorship is related to silencing as a way to control the free flow of ideas. Yet when applied to native peoples, it is often the *result* of appropriation that leads to native silence and even self-censorship. For example, during the early reservation period when American Indian religious practices were outlawed and severely punished, ritual practices went underground or ceased. By extension, the attempt to eradicate (censor) native languages led to a silencing and an interruption in cultural transmission. Chiracahua Apache artist Bob Hauzos found his work at the center of a

ensorship battle at the University of New Mexico, when the public art piece he was commissioned to install did not meet with the university's ideas of representing Native American history. Tagging it as too controversial, the university ordered part of the work to be dismantled, and thus a series of legal battles ensued (Fricke, 1999).

The visual arts provide a powerful source for unraveling some of the issues inherent in cultural appropriation as a process of transmission and transformation, though they are not the only sites of expression and contestation. The possibilities for transformation exist when new forms or understandings spring up from the exchange of creative ideas. When these exchanges are met with respect and as projects of power sharing, the results can reshape, redefine, and create new directions – not just in art worlds, but in their larger social and cultural contexts. For example, the transposition of Maori designs into New Zealand iconography has served to re-emplace *Te Maori*, a distinctly Maori design motif, into national cultural platforms, and created a new canon for reinscribing “Maori-ness” as a significant presence in New Zealand (Thomas, 1996). This is a less expected occurrence than the erasure of indigenous knowledge and voice in the examples discussed earlier. Redesigning cultural motifs, such as those just described, and re-appropriating native images into new contexts by native artists themselves, assert identities of difference in ways that empower the original objects of colonial interventions and unauthorized takings.

CONCLUSION

This chapter has not attempted to be a comprehensive compendium of all of the pervasive forms of cultural appropriation. Rather, by highlighting and selecting the ways in which cultural and intellectual property protections may or may not apply in specific cases, we can extrapolate to create new protections and forms of diplomacy in national and international contexts. Of course there are many other areas outside of the arts where appropriation takes place. Foremost in the lives of indigenous peoples has been the extraction of natural resources, including water, grazing and farming resources, lumber, fish and game, oil, coal, and uranium. Increasingly, wild plant resources and cultural knowledge surrounding their location and uses have been extracted for non-native use and commercial profit. The protection of indigenous knowledge (IK) in relation to plant uses remains a critical area of protection and compensation as pharmaceutical companies profit substantially from the traditional knowledge held by indigenous peoples regarding the properties of nature. Biodiversity brings appropriation of cultural knowledge and appropriation of land full circle into clear connection, as two interwoven forms of cultural appropriation. Biodiversity is the newest front in native struggles against cultural appropriation, and a model for securing the relationships between indigenous peoples, their long-held rights to resources, and the potential for harnessing those resources fairly, equitably, and without cultural or ecological harm. Collaborative organizations, such as Shaman Pharmaceuticals, work with large bio-medical companies to insure the participation and compensation of indigenous peoples. Organizations such as Cultural Survival, Inc., and the Healing Forest Conservancy also work internationally to seek just compensation for appropriation of indigenous knowledge. In fact, the growing movement for protections of indigenous knowledge provides momentum

for bringing many of the issues associated with cultural appropriation into a broader public light, and into international discussions where diplomatic, economic, legal, and cultural solutions can prevail.

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CHAPTER 21

Community Healing and Cultural Citizenship

Renya K. Ramirez

“I am a Jew and a human being. I feel compelled to speak on this issue. To me I understand as a Jew because if we had a symbol with a yarmulke and we said, ‘Go, Jews!’ And we had the opposite side [at a football game] say, ‘Kill the Jews!’ . . . Each of you know that we would not tolerate it. We cannot tolerate having the same thing with this American Indian logo . . . Each of you must be leaders and take the appropriate step and must retire the logo. Thank you.” – *A Jewish teacher, Fremont High School, Sunnyvale, California (Field notes, November 7, 1995)*

“And what I have found in my community in Montana, the Salish and Kootenai community is that this kind of violence [rape] is ignored. Why? Precisely because of the example that I just gave you. The perpetrators have very high status in Native communities – cultural leaders and tribal councilmen. Men have the power, and that’s why the violence is allowed to continue.” – *Luana Ross, Salish sociologist and community activist (Field notes, April 28, 2000)*

“This exhibit is very informative, our native peoples, ‘federally’ recognized and unrecognized, full-blood and mixed blood, from north, south, and central America, need to unite and free our minds from the colonial borders and governments imposed on our hemisphere.” – *Reaction of a visitor to the American Indian Holocaust Exhibit, San Jose, California, May, 1996 (Field notes, May 22, 1996)*

These are some of the issues that came to the fore during my ethnographic research on Native American community activists in and around San Jose, California. All of these quotes point to an underlying purpose of my research, which was to understand native activists’ own notions of community healing and cultural citizenship (see Rosaldo, 1997). In the first quote, a Jewish teacher connects his experience as a Jew and a human being to how American Indians were being disrespected and marginalized. He is able to take the standpoint of “the other” and hear Indian peoples’ experience with racism. Arguing for retiring the school’s Indian mascot, the Jewish teacher fights to include American Indians in the school’s definition of who is a full citizen. Next, Luana Ross discusses how sexism within her own Salish and Kootenai community allows sexual violence to continue. Ross later argues that

race, tribal nation, and gender be conceptualized *together* in order to begin to alleviate violence against Indian women. The third quote verbalizes an essential purpose of the *1996 American Indian Holocaust Exhibit*, which was to help Native Americans re-imagine a hemispheric as well as an inclusive sense of Indian community that crosses “colonial borders.” In this chapter, I will first provide some historical, conceptual, theoretical, and methodological context from which this ethnographic project emerged. I will then introduce three ethnographic vignettes, and will discuss how they both challenge Native Studies scholarship and complicate cultural citizenship from native and gendered points of view.

NATIVE AMERICANS AND ANTHROPOLOGY

In order to understand my methodological approach, a very brief history of the relationship between anthropology and Native Americans must first be rehearsed. Franz Boas, the father of Anglo-American anthropology, sent out his students to study American Indian tribes. The Boasian school, founded on a theory of cultural relativism, was supposed to undermine the assumptions of unilinear cultural evolution, developed in the 19th century, which placed Western European and Anglo-American civilization at “the top,” and all other peoples and cultures below them (Caulfield, 1974; see chapter 23). Even though Boas and his students argued that they were committed to showing that all cultures were developed forms of social organization, they still used underlying assumptions of cultural evolution in their studies of “primitive” cultures. For example, Boas used the term “primitive” in many of his titles, such as *The Mind of the Primitive Man*. The book was supposed to demonstrate that all mankind was equal, but still showed an implicit distinction between the “civilized” and the “primitive” (Hymes, 1972; Cotera, 2000).

These early anthropologists’ respect for other cultures encouraged them to search for the most pure, unadulterated cultures as their objects of study. Boas was not interested in the social concerns of the present, but wanted to capture the knowledge contained within the quickly “vanishing” cultures of Native America. At the same time Boas and his students ignored the genocide and disregarded their membership in the conquering group (Caulfield, 1974; Forbes, 1964). The Boasian school, furthermore, was deeply invested in problematic notions of truth and objectivity. The normalizing gaze of the anthropologist was supposed to be objective, impartial, and neutral. In contrast, the equally perceptive analysis of their “objects of study” – Indian people – was not taken seriously (Rosaldo, 1989). Consequently, protests about the imperial process by their “objects of study” could then be ignored.

In 1969 Vine Deloria, Jr. talked “back” to the field of anthropology in *Custer Died For Your Sins* (Deloria, 1988 [1969]). Deloria, along with other native scholars, including Beatrice Medicine, Alfonso Ortiz, Jack Forbes, Robert K. Thomas, and many others, argue that anthropologists collected ethnographic material that corroborated their own notions of native culture, often ignoring the economic, social, and political context (Deloria, 1988 [1969]; Forbes, 1996). Deloria asserts that Indians should not be considered as mere objects of study, but that *their* research agendas

must be taken seriously by anthropologists in order to increase Indians' social and political power in society (Deloria, 1997). He further urges that anthropologists study how Western paradigms marginalize Indian people, and that they should assert these perspectives in courts, educational institutions, and politicians' offices (Deloria, 1997).

As a native scholar, my own ethnographic research brings the intellectual knowledge of Native American community activists into the academy (see, e.g., Warrior, 1995). Like Deloria, and many others, I am critical of Eurocentric knowledges and governmental policies that marginalize Indian people (see, e.g., Medicine, 2001). My work is a polyvocal text, where I place the voices of Indians from different historical contexts next to each other. Moreover, I privilege the voices and analysis of Indian women who are too often marginalized within the discipline of anthropology.

Privileging Native American women's intellectual insights is crucial because historically their critique has often been ignored or even lost within anthropology. For example, Vine Deloria's aunt, Ella Deloria, an anthropologist, wrote her own manifesto, *Speaking of Indians*, about Indian-white relations, in 1944 (Deloria, 1979 [1944]). Yet, Ella Deloria was ignored in anthropology, since her assertion of ethnographic authority as a "native" anthropologist undermined her "authority" as an "objective" observer. As "an insider" she was unwilling to take the detached observational position of the non-Indian anthropologist, and the "soundness" of her research was often questioned (see Cotera, 2000; Medicine, 2001; Finn, 1995; Cotera, 2000). Ella Deloria challenged the Boasian model of ethnographic practice, since her fieldwork of Dakota culture was not supported by her own declaration of cultural difference, that is, the primitive/civilized dichotomy (Cotera, 2000). As a result her contributions to anthropology are often ignored. As this example indicates, Native American women's intellectual insights, especially, need to be highlighted in anthropology texts.

CULTURAL CITIZENSHIP

My work draws from, while going beyond, the anthropological literature on cultural citizenship. Ong (1996), the Latino Cultural Citizenship Working Group, Coll (2000), and most recently Siu (2002) explore the relationship between the terms "citizenship" and "cultural." Ong, influenced by Foucault, argues that cultural citizenship is a process of subjectification. It is a process of "self-making, and being made by power relations that produce consent through schemes of surveillance, discipline, control, and administration" (1996: 737). Even though I take Ong's contribution seriously, and examine how the state and other social forces discipline Native Americans, I choose, however, to highlight Indian peoples' agency.

Cultural citizenship, according to the Latino Cultural Citizenship Project, sets itself apart from legal citizenship by concentrating on the practices that give citizenship meaning in everyday interactions and experiences (see Flores and Benmayor, 1997; Benmayor et al., 1992; and Gender and Cultural Citizenship Working Group, unpublished paper). Their re-formulation of citizenship focuses on how a group struggles to belong while being disenfranchised in the social, cultural, and political

arenas (Dagnino, 1994; Flores and Benmayor, 1997; Rosaldo, 1997). Cultural citizenship, which was based on Latinos' political and cultural resistance, disputes dominant notions of citizenship rights in the United States (Flores and Benmayor, 1997). In that context, cultural citizenship revolves around how Latinos assert cultural difference as they claimed rights and belonging in the United States (see Ramirez, forthcoming). It is defined as "the right to be different with respect to the norms of the dominant national community, without compromising one's right to belong, in a sense of participating in the nation-state's democratic processes" (Rosaldo, 1997: 57).

My work ultimately builds upon the Latino Cultural Citizenship Project's new vision of citizenship that moved beyond legal definitions and focused on individual agency and collective identities. However, this notion of cultural citizenship was based largely in research documenting the histories and cultural politics of Latino/a communities in the United States. Unlike Latinos, Native Americans often do not fight so much to belong to the nation-state, but emphasize their sovereign rights as citizens of autonomous native nations ("tribes") (Ramirez, forthcoming). Furthermore, there is a wide diversity of perspectives related to Native notions of citizenship and belonging. For example, some focus their struggles on tribal sovereignty and assert citizenship only in their tribal nations, and others claim dual citizenship. Thus, the complexity of Native notions of citizenship and belonging urgently needs to be discussed.

With its focus on gender, my project is also informed by the work of Kathleen Coll (2000), an anthropologist, who "engenders" cultural citizenship. Her ethnographic research concentrated on immigrant Latina women in San Francisco. Both Coll's work and my research bring together anthropological notions of cultural citizenship with feminist reconfigurations of citizenship theory. We explore the gendered dimensions of citizenship and cultural citizenship. Feminist scholars have argued that citizenship, based on a static bundle of rights within the public sphere of the nation-state, can be either an inclusionary or an exclusionary mechanism, depending on one's social location (Lister, 1997; Yuval-Davis and Werbner, 1999; Yuval-Davis, 1997; Young, 1990). Women and people of color, for example, are disenfranchised in the public sphere, because of the white, masculinist notion that assumes that subordinated groups cannot act with "reason," but only according to "feelings." Thus, we cannot fully belong in the public domain, the assumption goes, because the emotional state of disenfranchised groups will disrupt the rationality and reason that should control the public sphere (Young, 1990). Thus, the importance of emotion in citizenship debates has not been seriously considered, because citizenship has been a white, male enterprise that privileges reason and rationality.

In order to re-formulate citizenship to incorporate the emotions and other highly personal and charged domains, I must bring together the categories of "gender," "culture," and "citizenship" (see Gender and Cultural Citizenship Working Group, unpublished paper; Coll, 2000). Feminist scholars have "engendered" citizenship by critiquing citizenship as a white, male project that separates the public from the private domain and marginalizes people of color, gays, the elderly, and the disabled (Lister, 1997; Yuval-Davis and Werbner, 1999; Yuval-Davis, 1997; Young, 1990). "Culture," according to Rosaldo (1997), revolves around how subordinated groups assert their social and political agency as they interact with dominant notions of

citizenship and belonging. Thus, “engendering” cultural citizenship must not only include how Native Americans assert their social and political agency, but also should redefine belonging to bridge the private and public spheres in order to involve such very personal and shared concerns as emotions, spirituality, and sexual and domestic violence as fundamental to citizenship (see Gender and Cultural Citizenship Working Group, unpublished paper; Coll, 2000).

At the same time, my project is influenced by the ethnographic research of the anthropologist Lok Siu, who studied diasporic Chinese in Panama. She shows how members of this community assert simultaneous belonging to two distinctly different cultural-political systems, their homeland and their nation-state of residence (Siu, 2002). Similarly, I argue that Native Americans struggle to belong to their tribal nations as well as the nation-state. The following ethnographic vignettes will illustrate the complicated nature of Natives’ notions of citizenship as well as community healing.

FIRST ETHNOGRAPHIC CASE: INDIANS AND ALLIES DEMAND RESPECT IN A PUBLIC HIGH SCHOOL

American Indian parents struggled to force a high school to retire its Indian mascot, which was a caricature of a Plains Indian man (see Machamer, 2001; Davis and Rau, 2001). The symbol had a goofy grin and a feather stuck underneath a headband that was tied around his straight black hair. It all began when Sally (a pseudonym), a young Indian cheerleader, came home upset, because she had to hear an opposing team yell, “Kill the Indians!” From that point on, Indian parents began to mobilize and fight to remove the Indian mascot.

The Indian mascot was finally removed as the school symbol at the school board meeting that took place on November 7, 1995 in Sunnyvale, California. It was an opportunity for the Indian community in the Santa Clara Valley to fight to expand their rights as cultural citizens of the school as well as of the nation. The public space of this school auditorium was ultimately healing as Indian students, their families, and other community members demanded that Indian people be treated with respect and dignity. I will now reconstruct the event from the field notes I wrote at the time.

I sensed a tension in the school auditorium that was thick and electric. As we (Indian people) walked into the auditorium together as a group, we saw clusters of people who showed their support for retaining the mascot by wearing clothes with the mascot logo. I thought about this as I proudly wore my bright, red Stanford powwow jacket. I remembered that I had purposely worn this jacket to communicate my affiliation with the university and my identity as an American Indian student in a “loud” and public way. There was one cluster of around seven or eight older white men and women, standing in the foyer of the auditorium. They wore white sweat-shirts with the cursive red lettering “Fremont Alumni” on the front. Their faces were light-skinned with lines of age etched permanently across their foreheads. One white woman looked at us with glaring eyes that quickly darted in another direction. The back of my neck felt chilled as the two clusters of people passed each other in the foyer of the auditorium.

Standing at the “gateway” of the school auditorium was a stocky football player dressed in navy blue Dockers and a football jacket. His jacket was made of red wool with black leather on the sleeves. The words “The Tribe” were sewn around the borders of a full-length caricature of an Indian man in a “Plains outfit,” with a goofy grin, “fierce eyes,” a feather headdress, a breechclout, buckskin leggings, and a spear over his shoulder.

As we all walked into the auditorium, we were handed agendas. The auditorium was large with high ceilings. The Indian community seated themselves in the center, and the “retain side” (the alumni, who wore their Indian mascot-style sweatshirts) seemed to grab the seats in the front, and on each of the wings. There were two microphones placed in the front, on each side of the auditorium, close to the stage. Since the auditorium was two-thirds full, the murmur in this space was deafening. People of all ages were present – children, teenagers, adults, and elders of all shapes and colors in the room. The school board members were seated on the stage (field notes, November 7, 1995).

This public space was a site of contentious, and often racist, interchange between the “retain” and the “retire” sides. Many speakers on the “retain” side came up to the microphone and spoke as if they “owned” the Indian mascot and expressed anger about letting “their” mascot go. They also discussed Indian people symbolically as a proud possession. The underlying assumption of many of the speakers was that Indians were not really one of “us,” but were something that we “owned” and displayed to rival school teams.

Some speakers wanted to define democracy as the rule of the majority. The people on the “retain side” argued that as a “minority,” Indian people cannot determine the future of the Indian mascot; the hurt they felt was “in the minority.” This assumption that majority rule must always underpin democracy represents well the interests of the powerful, whose voices can be easily heard within the public sphere, who have the resources on their side, and who can push their political agendas forward (see Young, 1990). The voices of Indian people, who often represent a small percentage of the population, can be pushed aside with this argument, and justice is then undermined.

During this school board meeting, discourses of national belonging became intertwined with discourses of racism that worked together to exclude Indian people. Gilroy (1987) describes this as an effective strategy within the United Kingdom, marginalizing black groups where discourses of national belonging, rather than race, have taken over some of the ideological work of excluding people of color. One white male teenager, dressed in a red Fremont T-shirt, compared the Indian mascot to “having a family quilt, something that has been passed down for generation and generation. That is a symbol of the family that each family member can look up to” (field notes, November 7, 1995). The image of the nation gained meaning with the use of family metaphors. The lines between the nation and the white, nuclear family became blurred and a homogenous notion of national identity founded on whiteness marginalized the Indian voices within the school auditorium. This description of the Indian mascot as part of a “family quilt” made Indian people into “foreigners,” less than full members of this nuclear national family. Therefore, the passing down of a caricature of an Indian man as a school symbol became acceptable. Those lacking the appropriate (white) bloodlines were seen as outsiders and were treated accordingly.

Empathy and communication, however, also occurred during this very painful school board meeting. Later in the meeting, a white female high school student responded to the comment linking the Indian logo to a “family quilt.” She argued that the uniqueness of the different elements of the quilt should be focused on, rather than asserting the primacy of one component over another to create community. She further argued that keeping the logo should not be at the expense of Indian peoples’ feelings of humiliation. In this way, she argued for an educational community that respects the cultural rights and feelings of Native Americans. This student could hear the arguments of Indian people who articulated their own experiences of pain and humiliation. Such a willingness to hear someone else’s perspective is, of course, essential for community healing to occur. Cross-cultural communication is fundamental, since Indian people comprise such a small percentage of the population. For native people, relying on allies’ support is inextricably linked to community healing and social change.

SECOND ETHNOGRAPHIC CASE: COLOR OF VIOLENCE CONFERENCE

My second ethnographic case revolves around the *Color of Violence: Violence Against Women of Color Conference*, which was held on April 28 and 29, 2000, at the University of California at Santa Cruz. Andrea Smith, a Cherokee activist and scholar, organized the conference to combat violence against women of color. One thousand women of color and their allies attended, and 2,000 more had to be turned away. A primary purpose of the conference was to encourage political activism and mobilization to combat violence against women of color and to create a broad-based social and political movement.

The conference is an annual event that is held in different cities across the United States. The meeting acts as a transnational subaltern counter-public space, a term coined by Nancy Fraser. A counter-public space in this case is a parallel space where women of color, who are subordinated, invent and circulate counter-discourses to formulate oppositional interpretations of identities, interests, and needs (see Blackwell, 2000; Fraser, 1989). It was transnational as women of color from various racial and ethnic backgrounds participated, and from nation-states as far away as New Zealand.

Counter-discourses can be developed in such settings and then taken back home where conference participants can then intensify their political activity and make claims for their rights. Smith explained that the conference had the potential to be revolutionary, since it concentrated on the larger picture, such as state, institutional, and economic violence. It also confronted, she argued, personal violence with grassroots political strategies (Smith, 2000). Political agency and grassroots organizing are fundamental for native women in particular and women of color in general to combat violence against them.

Native women who suffer from sexual violence must deal with tribal councils, governments, and communities that can be male-dominated. As a result, violence against Indian women is too often swept under the rug. Luana Ross, a Salish activist

and scholar, and a keynote speaker at the conference, discussed the sexism in tribal councils that supports (by turning a blind eye to) sexual violence within her own tribal community. Similarly, Andrea Smith writes about how a young native woman was gang raped by prominent members of an urban Indian community in which she lived. When this young woman sought justice, the Indian community claimed that she was airing its “dirty laundry.” This young native woman’s story exemplifies how masculine-centered notions of Native American nationhood have silenced Indian women victimized by sexual violence (Smith, 2000). Smith explains how their particular gendered experiences are ignored, because they are urged to, and feel they must, maintain a united front against racism (Smith, 2000). Thus, Ross and Smith both argue that race, gender, and native nationalism must be connected in order to combat the violence suffered by native women.

Smith and Ross challenge how the linkage of race and gender within Native American Studies has been viewed as divisive as well as being against notions of tribal sovereignty. Annette Jaimes (1992), for instance, openly attacks Native American women who call themselves feminists as being against tribal sovereignty and ultimately “assimilated.” She argues that Indian women activists, rather than criticizing or dividing from their men, should organize their own organizations, such as WARN (Women of All Red Nations). In this article, Jaimes asserts that feminism and its primary focus on gender interferes with native nationalism and sovereignty and is divisive. She quotes Lorelei Decora Means, one of the founders of WARN, who states: “We are American Indian women in that order. We are oppressed first and foremost as American Indians, as peoples colonized by the United States, not as women. As Indians we can never forget that. Our survival, the survival of every one of us – man, woman and child – as Indians depends on it. Decolonization is the agenda, the whole agenda, until it is accomplished” (Jaimes, 1992: 314). I agree with Smith and Ross, and other Indian women activists and scholars, who argue that this privileging of race and tribal nation over gender is a mistake, since Indian women are marginalized by race as well as gender simultaneously (see, e.g., Mihesuah, 2003). By not focusing on gender, sexism becomes too easily glossed over and cannot adequately be dealt with in native scholarship or in native communities.

According to Smith, native women at the conference emphasized the interrelated nature of struggles for native sovereignty and to combat violence against women. They illustrated the need to rethink strategies for ending violence using native frameworks of sovereignty rather than depending on the state for assistance. For example, Ross argued that redress for sexual violence against Indian women should occur using the tribal rather than the federal courts. Ross asserted tribes’ right to self-determination and sovereignty *in gendered terms*, as they reclaim their own traditional methods of justice to redress sexual assault against Indian women (field notes, April 28, 2000).

For Smith and Ross, community healing must revolve around Indian women’s social and political agency as well as around their ability to solve problems within native frameworks of tribal nationalism and sovereignty. It must also involve confronting sexism in multiple contexts, such as homes, local and tribal communities, and nation-state(s), while working in solidarity with other women of color.

THIRD ETHNOGRAPHIC CASE: AMERICAN INDIAN HOLOCAUST EXHIBIT

When I opened the front door, a warm pocket of air, inundated with the sweet aroma of sage, surrounded my body (see an elaborated version of this ethnographic example in Ramirez, 2001). Yellowish light, illuminating enlarged woodcut images of genocide and terror in the otherwise darkened exhibit hall, met my eye. I then saw the words "Invasion of the Americas by Britain, France, Portugal and Spain" typed on a large map of the Western Hemisphere. The names of the explorers, Columbus, Ponce de Leon, and DeSoto, were written on a black and white map situated next to the sites and dates of their invasions of Native lands. There was a guest book placed on a small table. Above this table was a large white cardboard placard where the purpose of the exhibit was described. It was to bring out the "other story" erased from the historical record, debunk the European myth of discovery, disrupt romantic and nostalgic stereotypes constructing Indian people as "remnants of the past," and provide a space for the descendants of the American Indian holocaust to grieve the loss of millions of lives.

Fifty or so prints included Indians being hung and burned alive, Indians getting their hands and noses cut off by Europeans, dogs hunting down Indian people, and Indians resisting the Europeans with spears. There were also numerous maps of the United States, the first chronicling "De Soto's Trail of Destruction." The second map showed the removal of Indian nations to Oklahoma, and another portrayed the sites of the worst epidemic outbreaks for Indian people. A final map showed the gradual reduction of Indian lands, and the location of present Indian reservations. A large drawing of a 20-dollar bill documented the Trail of Tears. One half of the face on the dollar bill was of Andrew Jackson; the other half was Hernando Cortes. This double-faced image demonstrated the colonial parallels between these two men. They had both violated Indian people. Another map of the Americas, draped from the ceiling to the floor, showed the location of Indian tribes before the invasion of the Europeans. At the end were small cards, tacked onto the wall, where the public was invited to write comments (field notes, May 22, 1996).

Al Cross, a Mandan-Hidatsa, and Roberto Ramirez, a Chicano/Indio, both members of the American Indian Alliance, created the American Indian Holocaust Exhibit. The Alliance, founded by Laverne Morrissey, was established to heal the rifts within the San Jose Indian community and bring the different factions back together again. The exhibit was open for a week or so each year, beginning in 1995 and ending in 1997. First put on display in 1996 at the San Jose Center for the Latino Arts, the organizers used images drawn by the colonizers, photocopied from books, and then enlarged. Native Americans and their allies worked together to begin to heal the hurts caused by the 500-year long Native American Holocaust.

For this group of community activists, healing meant shifting the public's historical consciousness from a dominant to an indigenous one. Ramirez explained:

We are doing a photo exhibit. We go through books, pull out the history that has been recorded by woodcuts. The Europeans did the drawing. If you see a picture, they show the destruction small-sized. We blow the picture up, so the images look like human beings. We want to show how they used the dogs. Columbus used dogs also. They used dogs to eat the flesh off the Indians. The dogs were trained to attack the Indians on sight.

They tore everybody apart. We start with Columbus. We change the words. Columbus did not discover us. He invaded us, raped our women and children. We take a picture of the dogs. The dogs chopping up the people. We blow it up 24" by 24". We use what the Europeans wrote about us and we just change the words. We change the words to our perspective. (Field notes, May 22, 1996)

Ramirez argued that privileging indigenous versions of history, and recoding European texts and images, could usurp the power of a European-based imagination, and heal the community. Ramirez also explained that enlarging these very small Eurocentric images, hidden between the pages of books, was another critical element of their healing practice. In these woodblock prints, the colonizer feminized Indian men and sexualized Indian women, making them look submissive to demonstrate European control. However, by increasing the size of these images, and juxtaposing them next to words printed on white sheets of paper, these activists changed their original purpose. Now, these woodcuts exposed what the colonizer had done and told history from the perspective of Indian people. In these ways, these activists decolonized history.

These community activists, furthermore, used mixed identity as an essential tool to foster community healing. During one evening, Paul Rubio, a Yaqui/Chicano activist, delivered a talk entitled "Mixed identity and the Holocaust." He discussed how there was a division between mixed-bloods and full-bloods, and how he hoped to encourage healing between these two groups. Rubio also described, during the talk, how both sides of his family tree, the Indian and the Spanish, were represented in the woodblock images on the walls. He said:

I see my relatives hanged and chopped up and burnt, killed and boxed up. Their Native spirituality being taken away from them. I also see some more of my ancestors there doing the chopping up. I have to educate myself about how I identify myself with this clash of cultures. That's what I am trying to do, the way I live, identify more with the culture that took care of this mother earth for generations rather than the one that tried to destroy other peoples and destroy the earth and use it up quicker before it could replenish itself. This is what these images do to me. When I recognize that both of them are inside of me still today then I can start to manage those things and not be so destructive to my fellow human beings. (Field notes, May 29, 1996)

Rubio focused on his own mixed identity to encourage cross-cultural communication. He showed his connection to all sides of a "clash of cultures" by not claiming one aspect of his identity over the other (see Forbes, 1973). He, however, discussed his decision to follow his own tribal culture that values the protection of the earth and all living things. In this way, the mother earth, for Rubio, became a unifying symbol to promote a healing consciousness to create a respectful world.

Rubio further discussed, during an interview, the importance of respecting all parts of himself, the Chicano, the Indian, and the Spanish. He argued that much pain results from people wanting to label and pull out one aspect to represent their entire identity. He said: "I think the labels create some of the hurt. They allow people to narrow their identity down to something that is at odds with something else" (interview, May 28, 1996). Rubio celebrated difference within himself, ignoring the assumptions of Western culture, which are dependent on static categories in the construction of otherness (see Forbes, 1973).

Like Leslie Marmon Silko, a Laguna Pueblo novelist, these activists worked to re-imagine a society that includes all human beings who can respect each other and the earth. In *Almanac of the Dead* (1996), Silko asserts that the earth will eventually purify herself from all the wounding from Eurocentrism that has confused her children and ripped open her flesh. This wounding has created conflict, scattered people, and numbed others from respecting the land and each other. Hence, respect will ultimately support a renewal of culture and community that will reclaim the Americas. Similarly, the exhibit encouraged people to think beyond national borders by including Indian-oriented history throughout the Americas. The organizers focused on the Americas and the mother earth as unifying principles, encouraging people to develop a *western hemispheric consciousness*, a term coined by Victoria Bomberry, a native scholar (see Bomberry, 2001). It is defined as the promotion of an awareness that revolves around the western hemisphere and blurs the boundaries between tribal nations and nation-states, encouraging alliances between diverse groups. The exhibit organizers asserted that respect for the earth and each other would build alliances, and bring Indians and non-Indians together.

For these activists, community healing included using Indian-oriented history, mixed identity, the earth, and respect to bring diverse groups together. Healing, therefore, meant not only decolonizing history, but also bridging groups divided by “colonial” borders.

CULTURAL CITIZENSHIP AND NATIVE NOTIONS OF BELONGING

The first ethnographic case revolves around Native American parents’ struggle against white, dominant notions of citizenship and most closely fits Rosaldo’s notion of cultural citizenship (Rosaldo, 1997). For instance, the voices of Indian people in the high school auditorium could be ignored because they were not viewed as full human beings whose rights to belong as full citizens within the school should be respected. In contrast, the white female high school student discussed a notion of citizenship that accepts difference so that American Indians in the school can finally be treated with dignity and respect. Thus, she challenged dominant notions of national citizenship based on the white nuclear family.

The second ethnographic case articulates Native women’s notions of belonging. Luana Ross and Andrea Smith both argue for the need to link race, gender, and tribal nation together in order to begin to alleviate violence against Indian women. They focus their activist struggle on Indian women’s right to live safe from violence in the home, and in all community contexts, including their own tribal nations in alliance with other women of color. Andrea Smith’s coalition work is her political weapon against the ideological hegemony of a sexist, racist, classist, and homophobic society. To unify women of color across national boundaries, she juxtaposes their similar experiences to strengthen bonds across difference. Then, women of color as a united front can challenge the state and other social forces that ultimately support violence against them.

Consequently, “engendering” cultural citizenship must include Indian women’s struggle to belong in their homes, communities, tribes, and nation-state(s) (see Ramirez, forthcoming) as well as to incorporate their transnational alliances across

national borders. It must also emphasize Indian women's social and political agency as well as include the linkage between race, tribal nation, and gender in order for Indian women finally to belong. Lastly, Indian women's activism productively complicates Latino cultural citizenship, since rather than focusing their struggle on belonging to a singular nation-state, they work to "engender" native frameworks of sovereignty, and form transnational alliances across difference to push for social change.

The gathering space of the exhibit hall also demonstrates the importance of building alliances in native struggles to belong. Roberto Ramirez argued that learning indigenous history across the Americas could promote understanding and a sense of connection between disenfranchised groups, such as Native Americans and Chicanos (field notes, May 22, 1996). He further asserted that learning the "truth" of history encourages whites to take responsibility for the horrors of the past, and to become allies and supporters of Native American communities (fieldnotes, May 22, 1996). In this way, Indians and their allies can one day create a united front and organize for social change.

Moreover, these native activists' notions of belonging are not only about struggling against dominant notions of national citizenship, or working within frameworks of tribal sovereignty, but are also about re-imagining a hemispheric sense of community based on native philosophies of respect. In these ways, citizenship from these activists' point of view is multi-layered and multi-faceted, and is not limited to legal entitlements within the nation-state, but includes struggles against sexual violence, toward respect, and other processes of empowerment (see Coll, 2000). Indians claim their voice, place indigenous reality at the center, push dominant discourses to the periphery, build transnational alliances, link tribal nation and gender, focus on mixed identity, and use respect as an empowering principle as part of their struggles to belong. In these ways, their practice of their cultural citizenship extends what has been a legal-juridical domain to include gendered and native perspectives.

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CHAPTER 22

Native Hawaiians

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INDIGENOUS NATIONALISM IN CONTEMPORARY HAWAI‘I

Native Hawaiians, like many other indigenous peoples, are actively involved in a contentious political struggle for rights and recognition. Many native Hawaiians oppose the United States’ control of their once sovereign lands, and resent the decades of political, economic, and cultural subjugation that have resulted from it. Furthermore, native Hawaiians, the majority of whom are now ethnically mixed, face unprecedented political obstacles set by a legal analytical structure that privileges singular identities – thus often discounting the unique identity and rights claims of multiethnic Hawaiians.

Despite such struggles, native Hawaiians occupy an often understudied and under-theorized space in the landscape of indigenous studies in the U.S. The reasons for this are complex and varied. For one, native Hawaiians do not classify themselves as “Native American” since they do not live on the continent of North America; nor did most Hawaiians welcome U.S. annexation of their islands in 1898, or Hawai‘i’s admission as the 50th state in 1959. Furthermore, Hawai‘i assumes a unique position in the American imaginary; popular narratives of Hawai‘i as a Pacific paradise belie the history of American colonialism in the islands, the legacy of which has been the socioeconomic disenfranchisement of the majority of Hawai‘i’s native population. While narratives of Native American disenfranchisement have become a standard part of American historical discourse, stories about American imperialism in Hawai‘i remain silenced by a thriving tourism industry, and its portrayal of Hawai‘i’s indigenous population as willing members of a harmonious, multiethnic melting-pot. As a result, each year some eight million tourists flock to Hawai‘i in search of sun, sand, surf, and the “aloha spirit,” largely unaware of the colonial and racial structures of inequality within which a majority of Hawai‘i’s indigenous population live.

Now, more than ever, it is imperative that both popular and scholarly audiences begin to take note of Hawai‘i’s true sociopolitical landscape, recognizing that Hawai‘i’s indigenous people, like Native Americans, have endured a history of

disenfranchisement. Unlike Native Americans, however, who are recognized by the federal government as indigenous peoples – a classification which carries special legal rights and privileges (see chapter 12) – the government classifies native Hawaiians as a *racial minority*, a status which confers no such benefits. Furthermore, Native Americans have claims to sovereign authority over particular land bases (reservations), whereas native Hawaiian claims for the restoration of their land base have been ignored on both the state and federal levels. As a result, in Hawai‘i today a growing indigenous rights movement is calling for political independence from the United States, and a recent law is contributing to debate over whether such independence is possible. President Clinton signed Senate Joint Resolution 19 (Public Law 103-150), commonly referred to as the “Apology Bill,” on November 22, 1993. The Resolution implicates “agents and citizens of the U.S.” in the overthrow of the Kingdom of Hawai‘i on January 17, 1893, and acknowledges that America’s participation in the overthrow was a “violation of treaties between the two nations and of international law.” Many sovereignty proponents, scholars, and legal theorists believe that the Apology Bill legally opens the door for self-governance by native Hawaiians.

This chapter takes a three-part approach to understanding the contemporary rights claims driving the native Hawaiian nationalist movement, including claims for self-governance. First, it provides a brief overview of the challenges faced by the Hawaiian monarchy during the early years of Western contact. Secondly, it recounts three important historical events that have directly contributed to contemporary native Hawaiian nationalism, including the 1893 overthrow of the Hawaiian monarchy, the 1898 U.S. Annexation of Hawai‘i, and the post-World War II sociopolitical ascendancy of Hawai‘i’s Asian immigrant population. Finally, this chapter examines the *Rice v. Cayetano* case in order to assess the controversy over race and rights in Hawai‘i, as well as to understand how modern notions of identity, which privilege homogeneity rather than heterogeneity, influence native Hawaiian struggles for rights and recognition.

THE HISTORY OF HAWAI‘I’S FIRST PEOPLE

The first Polynesians to migrate to Hawai‘i arrived from the Marquesas Islands sometime between A.D. 300 and 600 (Kirch, 1992). Archaeologists separate the early years of settlement in the Hawaiian Islands into four periods. The Colonization Period (A.D. 300–600) is marked by the earliest arrival of Polynesians to this previously uninhabited island chain. The Developmental Period (A.D. 600–1100) is characterized by the creation of distinctly Hawaiian artifacts, such as new styles of “Hawaiian” fishhooks. It is during this long period of presumed isolation that Polynesian settlers became a uniquely Hawaiian cultural group. The Expansion Period (A.D. 1100–1650) saw agricultural intensification throughout the islands, representing both population growth and an increase in social stratification. During the Protohistoric Period (A.D. 1650–1795), Hawai‘i developed a new sociopolitical system, dividing into four chiefdoms centered on the islands of Maui, O‘ahu, Kaua‘i, and Hawai‘i (Kirch, 1992).

Western explorers arrived in Hawai‘i in 1778, ushering in an era of rapid social, economic, and cultural change. At the time of Western contact, the Hawaiian Islands

were yet to be unified under one chief; however, unification would come soon. Kamehameha I, born on the Island of Hawai'i in approximately 1758, had gained control of the islands of Hawai'i, Maui, Moloka'i, Lana'i, and O'ahu by 1795. In 1810, facing the threat of invasion from Kamehameha's army, the ruling chief of Kaua'i surrendered, making way for the establishment of one united Kingdom of Hawai'i under Kamehameha the Great (Office of Hawaiian Affairs, 1994). Thus began the establishment of the Hawaiian monarchy. The Kamehameha Dynasty provided the first five of the eight monarchs to rule Hawai'i. The last three monarchs were high *ali'i* (royalty) from other chiefly lines, and, unlike the Kamehamehas, were elected to the throne during the years of Hawai'i's constitutional monarchy. Each of the eight Hawaiian monarchs was faced with unprecedented challenges associated with the rapid rate of social, cultural, economic, and political change in the islands.

After Kamehameha I's death in 1819, his son, Iolani Liholiho, became Hawai'i's second king – Kamehameha II. Only 22 years old when he succeeded his father, Kamehameha II had little experience in military strategy or political rule. He shared the throne with his father's favorite wife, Ka'ahumanu, who already wielded considerable political power, having designated herself *kubina nui*, or prime minister. In a feast observing her husband's death, Ka'ahumanu dined openly with Liholiho. Ka'ahumanu thus symbolically ended the traditional *kapu* (taboo) system – an elaborate set of proscribed behaviors that, among other things, forbade intersexual dining. As a result of Ka'ahumanu's actions, and the continued observance of foreigners in the islands for whom breaking *kapu* seemed to bear no consequence, Kamehameha II ordered the destruction of all *heiau* (places of worship) and religious idols throughout the kingdom. One year later, Christian missionaries arrived in the islands, successfully preaching to a population whose traditional spiritual system had begun to erode. Kamehameha II's reign thus coincided with a growing foreign presence in the islands, resulting not only in sociocultural change, but also in increases in disease and death among Hawai'i's native people. Population estimates at the time of Western contact range from 400,000 to 800,000 (Nordyke, 1977: 13; Stannard, 1989). By 1823, the Hawaiian population had dwindled to approximately 135,000 (Office of Hawaiian Affairs, 1994). Kamehameha II himself succumbed to foreign disease; during a visit to Great Britain to meet King George, Kamehameha II and his wife, Kamamalu, died after contracting measles.

The Hawaiian Kingdom was left in the hands of Liholiho's younger brother, Kamehameha III, who ruled for 29 years – longer than any other Hawaiian monarch. It was during Kamehameha III's reign that Western imperialism began to take root in the islands. In 1843, the British claimed control of the Hawaiian Islands for a six-month period. Upon the restoration of Hawaiian sovereignty, Kamehameha III spoke the now famous words “ua mau ke ea o ka 'aina i ka pono,” which translates as “the life of the land is preserved in righteousness.” Kamehameha III proclaimed the Declaration of Rights, known as the Hawaiian Magna Carta, in 1839, and promulgated the first constitution of the kingdom in 1840, establishing a constitutional monarchy. Kamehameha III ruled during the monumental restructuring of land tenure, known as the Great Mahele of 1848, which broke up chiefly lands and made them available for foreign purchase. During Kamehameha III's reign, Western law,

Christianity, and private property restructured social, political, and economic life in Hawai'i (Office of Hawaiian Affairs, 1994; Kame'elehiwa, 1992).

Just before Kamehameha I died, he appointed his nephew, Alexander Liholiho, king. Alexander Liholiho, or Kamehameha IV, ruled from 1854 to 1863. During his reign, Kamehameha IV took steps to keep in check growing American Calvinist influences in Hawai'i, which began changing social relationships and cultural practices in the islands. Hoping to foster a healthy rivalry between the British and Americans in Hawai'i, Kamehameha IV pursued British favor and religion, establishing the Episcopal Church in Hawai'i, and requesting that Queen Victoria serve as a godmother for his son, Prince Albert (Kame'elehiwa, 1992). In 1860, Kamehameha IV established the Queen's Hospital in Hawai'i, which provided free medical care for diseased and dying Hawaiians. Ironically, Alexander Liholiho, who, with his wife Queen Emma, had been committed to addressing the public health crisis brought about by the ravaging effects of foreign diseases, died at the early age of 29 from ill health. Just one year before his death, Kamehameha IV's son and heir to the throne, Prince Albert, died tragically at the age of four. Kamehameha IV thus bequeathed the throne to his elder brother Lot Kapu'iwa (Kame'elehiwa, 1992).

King Lot, or Kamehameha V, succeeded Liholiho in 1863. During his reign, King Lot initiated many changes aimed at reversing the influence of Westerners in the islands, such as a new constitution that limited the rights of foreign settlers. He also lifted the Calvinist ban against *hula* (a religious dance that was considered heathen and prurient by the missionaries). This last ruling chief of the Kamehamehas died of an unknown disease in 1872, leaving no heir to the throne (Kame'elehiwa, 1992).

In 1873, King William Charles Lunalilo, cousin of Lot, became the first elected King of Hawai'i. Sadly, Lunalilo also suffered from foreign diseases to which he had no immunity; he died of tuberculosis just one year after his inauguration. After Lunalilo's death, David Kalakaua, who was not of the Kamehameha lineage, was elected to the throne. Kalakaua's 17-year rule, which began in 1874, did much to instill pride in Hawaiians, as well as to build a strong nationalist sentiment in the Islands. Kalakaua commissioned both a Hawaiian national anthem and the elaborate 'Iolani Palace as symbols of national pride. Known as the Merry Monarch because of his love for *hula*, *luau* (feast), and grand parties, Kalakaua ruled until his death in 1891. Kalakaua believed that by reviving Hawaiian pride – by throwing out the seed of self-doubt planted by the missionaries – he would save the Hawaiian people. His slogan was “ho oulu lahui,” or “increase the race” (Kame'elehiwa, 1992). However, heavily influenced by foreign advisers with political and economic interests in the islands, Kalakaua was forced by members of the Missionary Party to sign a new, highly restrictive constitution that disenfranchised a great majority of native Hawaiians by imposing large property and income requirements on otherwise eligible voters. This so-called “Bayonet Constitution” officially gave control of the legislature and the King's cabinet to wealthy *haole* (white) sugar plantation owners while the King maintained his position as head of an ostensibly independent Hawaiian government. Kalakaua's reign is thus often marked as the beginning of the end of the Hawaiian monarchy (Kame'elehiwa, 1992). Upon Kalakaua's death in 1891, his sister, Lili'uokalani, was elected Queen. It was during Lili'uokalani's reign that the Hawaiian monarchy was overthrown.

LAND, POWER, AND THE OVERTHROW OF THE HAWAIIAN MONARCHY

Land has always been a “political battleground and prize in Hawai‘i”; traditionally, those who controlled Hawaiian land also exercised power over most aspects of life in the islands (Cooper and Daws, 1990: 2). The first post-Western contact property holders in the islands were the *haole* sugar plantation owners, who benefited immensely from the Great Mahele of 1848, which restructured landholding and made possible the private purchase of former chiefly territory. These new landowners came to control every aspect of business associated with sugar, such as banking, shipping, retail merchandising, and utilities. Economic power translated into political power as well; capitalist entrepreneurs, many of them sons of the first American Protestant missionary families in the islands, became advisers to Hawai‘i’s kings and queens. It was under the pressure of *haole* sugar barons, to whom he owed his throne in the election of 1874, that King Kalakaua agreed in 1883 to give exclusive use of Pearl Harbor to the U.S. in return for a seven-year extension to the Reciprocity Treaty, allowing Hawaiian sugar to enter U.S. markets duty-free (Cooper and Daws, 1990).

In 1887, members of the Missionary Party, most of whom were sugar planters, forced King Kalakaua to sign the “Bayonet Constitution” in an effort to limit the voting rights of Hawai‘i’s native population. With the death of King Kalakaua in 1891, *haole* plantation power was challenged by Kalakaua’s sister, Queen Lili‘uokalani. Not obligated to the plantation owners as her brother had been, the new Queen proposed revisions aimed at reversing the Bayonet Constitution. This revised constitution would have re-instituted the native Hawaiian vote, while limiting the voting rights of the non-native citizenry (Cooper and Daws, 1990, Kame‘eleihiwa, 1992).

In response, just three years after Lili‘uokalani’s inauguration, a secret leadership organization representing the economic interests of American sugar barons in Hawai‘i conspired with the U.S. minister to Hawai‘i to abolish the Hawaiian monarchy and annex the islands to the United States. On January 15, 1893, U.S. Minister John Stevens ordered the landing of 162 armed Marines from the *USS Boston* to support the abolition of the monarchy and to announce the formation of a “provisional government.” The conspirators imprisoned Queen Lili‘uokalani in the ‘Iolani Palace, disarmed the Royal Guard, and assumed political control of the islands (Cooper and Daws, 1990; Kame‘eleihiwa, 1992; Trask, 1993). Although President Cleveland wrote that Hawai‘i’s new provisional government “owes its existence to an armed invasion by the United States,” and that “by an act of war, committed with participation of a diplomatic representative of the United States, and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown” (Silva, 1998: 51), Hawai‘i remained under the jurisdiction of the American land barons and their provisional government until the Spanish American War, when complete control of a significant harbor in the Pacific became vital to U.S. naval efforts in the Philippines (Coffman, 1998). On July 7, 1898, the United States Congress, with the consent of President William McKinley, annexed the Hawaiian Islands, establishing a major naval station at Pearl Harbor. At the time of annexation, the United States acquired more than 1.7 million acres of former public, Crown, and government land of the Kingdom of Hawai‘i. Since annexation, these lands have been

used for such purposes as U.S. military training and the development of state infrastructure to encourage and support tourism. Regaining control of such lands has become an important platform of contemporary native Hawaiian activism.

NATIVE HAWAIIAN RESISTANCE TO AMERICAN ANNEXATION

Contrary to popular belief, resistance to American control of Hawai'i existed long before the contemporary Hawaiian sovereignty movement gained momentum in the early 1990s. Both planned and impromptu resistance efforts were orchestrated throughout the islands a century earlier, during the annexation period. However, resistance documents during the overthrow and annexation era were written mostly in Hawaiian, and many documents were kept secret or never translated. Now, as contemporary nationalism is contributing to native Hawaiian language revival programs, scholars have begun translating early resistance documents, giving voice to a previously silenced history (Silva, 1998). One scholar points out that even though Hawaiians were not permitted to vote during the overthrow era, they participated in politics through alternate forms of action, such as petitioning, withholding donations to churches, and sewing quilts that incorporated the Royal Hawaiian flag (Silva, 1998). In addition, royalists organized an armed rebellion led by Hawaiian nationalist Robert Wilcox in January of 1895. The failed "Wilcox Rebellion," as it is called, resulted in the imprisonment of approximately 200 Hawaiians, including Queen Lili'uokalani (Silva, 1998).

In 1897, two years after Queen Lili'uokalani's house imprisonment, American President William McKinley agreed to meet with a committee of annexationists from Hawai'i. In response, three Hawaiian protest groups developed their own anti-annexation resolution, and sought signatures throughout the islands to support it. The petitions contained over 21,000 signatures, which represented over half of the 40,000 native Hawaiians populating the islands at the time (Silva, 1998). The petitions were delivered by a group of anti-annexation delegates to Senator Hoar in Washington, DC in December of 1897. The anti-annexation delegation tirelessly lobbied Congress. By the time the Hawai'i delegates left Washington, the number of pro-annexation senators had dwindled from 58 to 46. Since 60 Senate votes were required for annexation, the delegates left Washington certain that their monarch would be restored (Silva, 1998).

However, other international events unexpectedly altered the course of history. In 1898, the people of Cuba and the Philippines were engaged in a war of independence against Spain. The U.S. became involved in the conflict after the American warship *Maine* was blown up in a Cuban harbor in February, 1898. President McKinley, who had defeated Grover Cleveland, represented a Republican coalition of two elements: one composed of business interests with expansionist ideas, and the other a small elite group of imperialists who wanted to transform the U.S. into a great power (Coffman, 1998: 294). The expansionists in particular had a three-part plan: (a) to control the Caribbean, (b) to build a canal between the Atlantic and the Pacific, and (c) to gain control of the northern-central Pacific (Coffman, 1998).

After the U.S. military's success in Cuba under Theodore Roosevelt, the U.S. had to contend with another Spanish colony – the Philippines. Suddenly, Hawai'i became

an important re-coaling station for U.S. ships on their way to engage the Spanish in the Philippines. In the midst of all this, the Newlands Resolution, which would make Hawai'i a territory of the United States, came up for vote in the Senate. Many senators were opposed to the resolution; profound division in the Senate resulted in a 17-day filibuster. Finally 42 senators voted aye, 21 voted nay, and 26 abstained from voting. Although two-thirds of those who voted were in favor of annexation, nearly one-third of the Senate did not vote at all. As a result, the U.S. annexation of the previously sovereign nation of Hawai'i rested on the votes of fewer than half of the members of the United States Senate. On July 7, 1898, the day after the annexation vote, William McKinley approved the measure to annex Hawai'i (Coffman, 1998).

The American flag was hoisted above the 'Iolani Palace on August 12, 1898, to mark the official transfer of power from the Provisional Government, and from Queen Lili'uokalani, who had made the long journey to Washington to lobby for the reinstatement of Hawai'i's sovereignty. That goal was never realized. The thousands of signatures collected on the anti-annexation petitions, and the pleas of the Queen, were secondary to the pressing needs of U.S. military operations in the Spanish American War (Coffman, 1998).

Most Hawaiians were devastated when news of the annexation reached Hawai'i. Hawaiian royalty, including Queen Lili'uokalani, David Kawananakoa, and Jonah Kuhio, declined invitations to the annexation ceremonies. Interestingly, violence did not ensue because the Queen had encouraged her supporters not to resort to such means (Silva, 1998; Coffman, 1998). Even though the three anti-annexation *hui*s (groups) boycotted the annexation ceremonies, as did most native Hawaiians, the U.S. government deemed it necessary to surround the 'Iolani Palace with troops on the day of the ceremonies (Coffman, 1998). After fighting an anti-colonial war against the Spanish to free the Philippines, the U.S. then took both the Philippines and Hawai'i as its colonies.

HAWAI'I'S ASIAN IMMIGRANT POPULATION AND THE POST-WORLD WAR II SOCIAL REVOLUTION

Eighty percent of laborers in Hawai'i's sugar plantations prior to 1876 were native Hawaiian. However, between 1852 and 1946, approximately 395,000 laborers migrated to the islands to work in Hawai'i's expanding sugar industry (see Table 22.1).

Table 22.1 Asian immigration to Hawai'i

<i>Ethnic group</i>	<i>Migration period</i>	<i>Number of laborers</i>
Chinese	1852–1897	46,000
Portuguese	1878–1913	17,500
Japanese	1885–1924	180,000
Puerto Ricans	1900	5,200
Okinawans	1900–1924	?
Koreans	1903–1905	7,000
Filipinos	1907–1946	126,000

During the Territorial years, many of these laborers made their way off the plantations, and into cities such as Honolulu. Unfortunately, class mobility was nearly impossible to achieve during this time, as a small group of *haole* elite landholders continued to control politics and economics in the islands. However, after World War II, Hawai'i experienced a shift in economic and political control away from a small *haole* plantation oligarchy to first-generation Asian immigrants. This post-World War II power shift resulted from the efforts of the first-generation Hawai'i-born children of plantation laborers to create new opportunities for non-white laborers. These included Japanese, Chinese, Filipino, Koreans, Puerto Ricans, and native Hawaiians, all of whom had endured decades of political, economic, and cultural subjugation under hegemonic *haole* control. The path to enfranchisement included three strategies: (a) breaking up the old *haole* land monopolies formed during the plantation era in order to extend land ownership opportunities to all residents of Hawai'i; (b) creating a middle class in Hawai'i's formerly bifurcated class system of powerful *haole* elite, and poor, uneducated plantation laborers; and (c) opening up political opportunities through the development of a strong Democratic party, which would challenge the existing *haole*-dominated Republican party (Cooper and Daws, 1990).

In an effort to realize this dream, local laboring class fractions in Hawai'i began to band together in a common struggle. This cohesive group of "locals" saw themselves in direct opposition to the powerful *haole* elite. Although slight gains were made through plantation labor organizing in the early 1900s, particularly with the strike of 1920 on O'ahu, major social mobility among non-*haole* laboring classes in Hawai'i was not realized until World War II (Okihiro, 1991). World War II marks the beginning of Hawai'i's "local"-led socioeconomic revolution because it opened up new opportunities for Hawai'i's non-white laboring class that extended beyond the control of Hawai'i's *haole* oligarchy. After the bombing of Pearl Harbor, Hawai'i's largest ethnic population, the Japanese, were quick to demonstrate their loyalty to the U.S.; 9,507 Japanese from Hawai'i volunteered for U.S. military service (Takaki, 1989: 385). The war contributed to new local social formations in the islands by offering military benefits and, ultimately, upward mobility to many of Hawai'i's Asian immigrants. After the war, the Japanese in Hawai'i gained the upper hand. Japanese combat heroes returned home empowered with the GI Bill, which afforded them access to higher education and professional opportunities previously unattainable in Hawai'i. It was this group of locals that fought to establish the Democratic Party in Hawai'i, contending for power with the *haole* oligarchy. Statehood, and the elected offices that went along with it, further opened opportunities for Hawai'i's Asian immigrant population.

Of course, when Congress "granted" Hawai'i statehood in 1959 – ironic in that the same body had taken sovereignty from Hawai'i six decades earlier – not all racial and ethnic populations living in the islands celebrated, as is often assumed. Commemorative photographs depicting Admission Day, which feature citizens of the Territory of Hawai'i tossing their hats to an American flag, tell a somewhat misleading story. Although many local Asian and *haole* residents were in favor of statehood – particularly Hawai'i's Japanese population, who felt that statehood was a reward for the blood they shed on behalf of America during World War II (Kelly, 1995) – the vast majority of Hawai'i's indigenous population was *not* in favor of statehood, and most boycotted statehood "celebrations." Thus, while representation of certain racial

or ethnic groups in archival photos commemorating statehood is quite high, one must also consider the *absence* of other groups from such photos, and what such absences indicate.

Although for many Hawaiians, admission to statehood was simply another step in the solidification of American control in the islands, for others statehood enabled the changes necessary to create greater social equality in Hawai'i. As legislators and city council members, Asian Democrats in Hawai'i employed various strategies, such as tax incentives for land development, in order to break up the old *haole* land monopolies, create a middle class in the islands, and take political control. However, what began as an effort to enfranchise all non-*haole* laboring populations in the islands resulted, for the most part, in the continued disenfranchisement of native Hawaiians, who did not realize the same upward mobility as other ethnic working-class groups.

RACE, PLACE, AND BELONGING IN MULTIETHNIC HAWAII

Today, Hawai'i's indigenous population – representing approximately 10 percent of the islands' 1.2 million residents – remains, for the most part, at the bottom of the socioeconomic scale. Unemployment in Hawai'i is highest among native Hawaiians; 35 percent of the indigenous population receives public assistance; 40 percent of all welfare recipients are of Hawaiian ancestry; 12 percent of the indigenous youth population has not completed high school; 39 percent of the adult prison population, and 60 percent of youth in state correctional facilities, are native Hawaiian. In addition, native Hawaiians have the lowest life expectancy of all major ethnic groups in Hawai'i (McGregor, 1989: 74). Hawaiian nationalists have thus taken a critical view of immigrant upward mobility, arguing that such success has come at the expense of native Hawaiian lives and livelihoods. Meanwhile, the publication of new histories which focus on the plantation and post-plantation struggles of upwardly mobile immigrant laborers in Hawai'i, many of whom now enjoy economic, social, and political success in the islands, has contributed to increasing tensions over how various racial and ethnic groups have come to see themselves as rightfully “belonging” in Hawai'i. As Hawaiian activist Haunani-Kay Trask writes: “In truth, ‘local’ ideology tells a familiar, and false, tale of success: Asians came as poor plantation workers and triumphed decades later as the new, democratically-elected ruling class. Not coincidentally, the responsibility for continued Hawaiian dispossession falls to imperialist *haole* and incapacitated Natives, that is, not to Asians. Thus do these settlers deny their ascendancy was made possible by the continued national oppression of Hawaiians, particularly the theft of our lands and the crushing of our independence” (Trask, 2000: 4).

Of course, many Asian, and even *haole*, migrants to the islands see their own history of belonging in Hawai'i as much more complex than the seemingly dichotomized narrative that Trask offers. Furthermore, as Hawaiian nationalists question the presence of “foreign settlers” on Hawaiian land, local, *haole*, and native Hawaiian stories of belonging in Hawai'i have taken on new significance. An expanding collection of histories about Hawai'i has therefore become increasingly important to different racial and ethnic groups as they continue to construct a sense of belonging in the islands. For the most part, plantation laborer and other immigrant narratives depict

Asians as hard-working, upwardly mobile, politically conscious immigrants who are actively aligned with native Hawaiians against a history of white colonial oppression. In addition, many Asian immigrants conceive of themselves as culturally in sync with native Hawaiian values. In Bamboo Ridge Press's 1998 special journal edition, entitled *Growing Up Local: An Anthology of Poetry and Prose from Hawai'i*, editor Darrell H. Y. Lum writes:

Locals have always been well aware of class and ethnic differences and their hierarchical relationship to the plantation bosses. From this perspective, local culture developed out of necessity: immigrant laborers and native Hawaiians found themselves in a plantation system on the lowest rung of the ladder and subject to deliberate efforts by the plantations to pit ethnic groups against one another through pay differences and living in ethnically segregated camps.

Sharing a common enemy, local culture has often been characterized as a culture of resistance against the dominant white culture and rooted in the struggles of the working class of Hawaii's sugar plantations. The immigrant laborers shared more than a common enemy, however. They entered a native Hawaiian culture that valued interpersonal relationships and love for the land. Their own values of family loyalty, obligation, and reciprocity coincided with those of the native Hawaiians: an orientation that valued harmony between people, minimized personal gain or achievement, and shared natural resources. This cultural accommodation on the part of native Hawaiians and immigrant labor was born out of a tradition of hardship, struggle, and conflict that counters the romantic notions of blended cultures, the melting pot, or a multiethnic Hawaii based on a democratic sharing of cultures. (1998: 12)

In contrast to Lum's perspective, other writers claim that by producing narratives which promote Hawai'i as a "mixed plate where different ethnic groups with similar interests live and mingle," local authors "obscure the reality that this literature typically defines the local in relation to plantation memories and tensions between Asian and American traditions, themes with only an indirect relevance for Native Hawaiians" (Wood, 1999: 50). Furthermore, some scholars and activists argue that the mixing of "local Asian" and native Hawaiian histories, as well as the erasures which often ensue in the writing of local Asian narratives, compromise contemporary indigenous rights activism. One writer states that rhetoric which links "the Hawaiian people's experience of having their land colonized and their nation overthrown with stories of immigrant plantation struggles undermines claims for indigenous rights and reparations" (Wood, 1999: 51).

Such critiques of the ways in which local literary representations of plantation life in the islands directly jeopardize native rights activism embody well the crises over "belonging" in Hawai'i. Emerging from these critiques is the idea that Asian immigrant groups cannot make claims to a history of struggle against a white colonial power without undercutting the history of oppression faced by native Hawaiians. Such rhetoric assumes that only one group can occupy the space of the colonized in Hawai'i, and that group is its original inhabitants – its indigenous people. This rhetoric may also be interpreted as suggesting that only one group of people truly belongs in Hawai'i, even today. In other words, if only one specific group has the right to claim a particular history in Hawai'i, then only that specific group truly belongs there – everyone else is simply a visitor. As one Hawaiian sovereignty activist

argues, non-Hawaiians are nothing more than unwanted “settlers” on Hawaiian lands (Trask, 1993).

But while these indigenous critiques clearly bring out the erasures in the Asian immigrant discourse, they have their own silences. Such highly nationalistic narratives result in problematic discourses that fail to engage Hawai‘i’s complex sociopolitical landscape, as well as the obvious reality of an always already modern world in which transnational travel and multiracial “contact” exist (Ghosh, 1993). Such nationalist rhetoric often privileges one group’s claims to space and place, romanticizing mono-racial or monocultural existence as more harmonious, free from social stratification and other forms of hierarchy. Of course, this is not to say that contact zones, and colonizing projects in particular, did not result in highly asymmetrical relations of power among differently marked racial or cultural groups. However, even monocultural spaces were fraught with markers of difference resulting in hierarchical structures (see, for example, Kirch, 1985, 1992).

Furthermore, in the case of Hawai‘i, a kind of rhetoric which sees different racial groups as solely occupying specific hierarchical places in the colonizing project fails to conceive of the outliers, or marginal groups within populations, who challenge such stereotypical images: native Hawaiians who held positions of political power and amassed wealth at the expense of the *maka‘ainana* (common people) in the early “first contact years,” as well as the Republican-led Territorial Government years; or low-income *haole* immigrants who worked as farmers, dedicating their lives to the promotion of traditional agriculture and land stewardship in the islands; or Asian immigrants who have never been one cohesive group with a shared history of labor alliances and civil rights struggles, but are instead disparate groups marked by different moments of immigration, labor opportunities, and even separately racialized identities. In addition, stereotypical assumptions about race and hierarchy often fail to account for other layers of identity, such as gender, or the experiences of multiethnic or multiracial individuals. In sum, stereotypical assumptions about history and identity in Hawai‘i continue to contribute to contemporary debates over race and rights in the islands.

RACE AND RIGHTS IN *RICE V. CAYETANO*

Contestation of hegemony operates, and always has, on multiple levels in Hawai‘i. As the Civil Rights movement took root across the U.S. mainland, the contemporary Hawaiian rights movement gained momentum in Hawai‘i. The early years of this struggle were marked by demonstrations, evictions, and arrests. These struggles were largely fueled by the development boom of the 1960s and 1970s in Hawai‘i, which was met by opposition from many Hawaiians infuriated over the evictions of low- and middle-class residents to make way for residential, tourism, and infrastructure development. Some of the most publicized confrontations over land ownership and use, access to private lands, and management of ceded lands and Hawaiian Homes Lands (lands allocated for the use of native Hawaiians by the 1959 statehood act) include: the 1970 arrest of 30 Kokua Hawai‘i activists for attempting to block the eviction of 40 low-income Hawaiian-born families to make way for a moderately expensive residential subdivision and golf course in Kalama Valley on O‘ahu; the 1974 native

Hawaiian occupation of a Kona shoreline as a reaction against resort development; the 1975 burning of native Hawaiian homes from Mokauea Island at Keehi Harbor on O'ahu by the state in an effort to evict them; the 1980 destruction of permanent structures housing 150 native Hawaiian families attempting to establish a live-in fishing village; the 1983 arrests of native Hawaiians who asserted their rights to live on public shorelines in a traditional way on the Leeward coast of O'ahu; and the 1990 sentencing by a federal magistrate of two native Hawaiians to five days in jail for taking two protected Pacific green sea turtles off Alaelae Point on Maui (Minerbi, 1994: 5–14; Cooper and Daws, 1990: 190, 252).

While public demonstrations have been vital to sovereignty initiatives, so has lobbying the state legislature been a way to gain visibility and support for Hawai'i's largely disenfranchised native population. In 1978, the State Legislature, lobbied by Hawaiian rights activists, approved the Hawaiian Education Act, making it part of the Constitution of the State of Hawai'i. This act appropriated funds for the teaching of Hawaiian history and culture in all public schools. By the early 1980s, all public elementary schools, grades kindergarten through six, were teaching Hawaiian culture through integrated programs led by both Hawaiian *kupuna* (elders) and elementary school teachers. Now, approximately 20 years into the contemporary Hawaiian rights struggle, the once-silenced history of colonialism in Hawai'i is well documented by academics and activists alike (see the work of Haunani-Kay Trask, Mililani Trask, Lilikala Kame'eleihiwa, John Osorio, Tom Coffman, Davianna McGregor, Sally Merry, J. Kehaulani Kauanui, and Noenoe Silva) and widely taught throughout public and private schools in Hawai'i.

Today, Hawai'i's colonial history is also part of public dialogue, and the social consciousness resulting from contentious debates about not only the role of American colonizers in the disenfranchisement of native Hawaiians, but also that of Asian settlers in the colonizing process, has resulted in interesting shifts in Hawai'i's sociocultural landscape. Hawai'i has moved away from a largely polarized class-based distinction, which separated a plantation and tourism working-class labor force of "locals" from the white-collar professional class of "*haole*," to a new triangulated race-based landscape where native Hawaiians (*kanaka maoli*), *haole* (whites), and a mixed Asian population (or "locals") are situated in opposition to one another. This shift from a predominantly class-based distinction to a race-based one is largely due to the increasing momentum of the Hawaiian sovereignty movement. Native Hawaiians have actively and forcefully separated themselves from "local" working-class groups with whom they once identified in order to assert their unique identity as indigenous peoples, at a time when such an identity carries significant weight in both the national and international political and legal arenas. Although admittedly class and race co-vary with the term *haole*, a new, more explicitly racialized awareness in Hawai'i has led to contentious public debate over race and rights in the islands.

In 2000, a landmark legal case challenging special rights for native Hawaiians made headlines. *Rice v. Cayetano* was brought to court by Freddie Rice, a racially white cattle rancher whose family has lived on the "Big Island" of Hawai'i for five generations. Rice sued Hawai'i's Governor Ben Cayetano for the right to vote in Office of Hawaiian Affairs (OHA; established by the statehood legislation enacted by Congress) elections, arguing that the state of Hawai'i's practice of restricting voting for

OHA trustees to residents of native Hawaiian ancestry was unconstitutional. The U.S. District Court of Hawai'i issued a summary judgment against Rice, arguing that the State of Hawai'i has a special "trust" relationship with Hawai'i's indigenous people, and that the voting limitations posed by OHA – a state institution – are in fact part of the state's obligation to fulfill that trust relationship. The court acknowledged that since native Hawaiians are the only beneficiaries of the Office of Hawaiian Affairs, native Hawaiians should indeed have exclusive voting rights in the election of the organization's trustees. In 1998, Rice appealed the case to the U.S. Ninth Circuit Court of Appeals, where again he lost. Finally, the United States Supreme Court agreed to hear the case.

On February 23, 2000 the United States Supreme Court held in a 7–2 vote that the state of Hawai'i's practice of restricting voting for OHA trustees to residents of "native Hawaiian" ancestry was indeed unconstitutional, since OHA's voting regulations were racially based. Citing the 15th Amendment of the U.S. Constitution, which prohibits states from engaging in race-based voting restrictions, the Supreme Court wrote: "the National Government and the States may not deny or abridge the right to vote on account of race. The [15th] Amendment reaffirms the equality of races at the most basic level of the democratic process, the exercise of the voting franchise. It protects all persons, not just members of a particular race" (*Rice v. Cayetano*, 520 U.S. 495).

The irony of the Supreme Court ruling is that the 15th Amendment, which states that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude," was established in 1870 to prevent discrimination against blacks and other minority voters in the U.S. Arguably, in the context of 1870's politics in the U.S., Congress could hardly conceive of a situation in which the ability of a formerly colonized racial minority group to vote independent of other ethnic or racial groups on matters affecting their specific economic and social well-being may in fact be an important vehicle for *fighting* discrimination. One might argue that an amendment ratified to prevent discrimination against minority groups is now being cited to do just that – reinforce structures of discrimination against Hawai'i's indigenous population. On one level, then, *Rice v. Cayetano* was likely an effort to strike a legal blow at the growth of indigenous rights activism in Hawai'i.

In the midst of this high-profile case, legal questions about what constitutes a "native Hawaiian" in the contemporary context have surfaced. Currently the state and federal government have 19 different definitions for "Hawaiian." An official government definition of "Hawaiian" was first established in the Hawaiian Homes Commission Act of 1920, which provided for the rehabilitation of native Hawaiian people through a government-sponsored homesteading program. The 1920 Act required applicants for homestead property to prove that they had 50 percent Hawaiian blood. The "50 percent" concept of "Hawaiian" was then incorporated into the 1959 Admission Act granting statehood. The Admission Act used the 50 percent blood quantum definition to determine which Hawaiians could qualify for special state benefits from revenues generated by lands ceded by native Hawaiians. Although the 50 percent blood quantum is used by the state to define Hawaiians, the federal government does not currently rely on blood quantum, and instead defines Hawaiians as any individual whose ancestors inhabited the Hawaiian Islands prior to

1778 (Kauanui, 2000). This “ancestral” definition posed serious problems during the Supreme Court decision of *Rice v. Cayetano*, as several justices took issue with an “overly inclusive” definition of Hawaiian. Today, most legal and political interpretations of identity favor racially *homogeneous* identities, even in unique geopolitical spaces where *heterogeneous* racial identities are increasingly prevalent. This creates almost insurmountable obstacles for ethnically mixed, disenfranchised native Hawaiians, since state and legal recognition of racially mixed identities is of particular importance when adjudicating issues of redress and reparations.

HETEROGENEOUS IDENTITY AND HOMOGENEOUS ANALYTICAL STRUCTURES IN TWENTY-FIRST-CENTURY HAWAI‘I

Table 22.2 presents the 2000 U.S. Census Report’s counts on population by race in Hawai‘i.

In 2000, the first year the United States census form allowed the respondent to identify more than one race, 21.4 percent of all Hawai‘i residents identified themselves as being of more than one race, compared with just 2 percent for the United States as a whole. And, arguably, the 21 percent figure is low, since many “mixed” individuals in Hawai‘i may have – out of habit, or for various other reasons – identified on the census report with just one racial group, instead of marking the new “mixed race” option.

Furthermore, a separate report, “Native Hawaiian and Other Pacific Islander Population: 2000,” issued by the U.S. Census Bureau, indicates that native Hawaiians and other Pacific Islanders are more likely to be of multiple race than any other

Table 22.2 Population by race in the State of Hawai‘i, 2000

<i>Race</i>	<i>Number</i>	<i>Percentage</i>
White	294,102	24.3
Black or African American	22,003	1.8
American Indian and Alaska Native	3,535	0.3
Asian	503,868	41.6
Asian Indian	1,441	0.1
Chinese	56,600	4.7
Filipino	170,635	14.1
Japanese	201,764	16.7
Korean	23,537	1.9
Vietnamese	7,867	0.6
Other Asian	42,024	3.5
Native Hawaiian and Other Pacific Islander	113,539	9.3
Native Hawaiian	80,137	6.6
Guamanian or Chamorro	1,663	0.1
Samoan	16,166	1.3
Other Pacific Islander	15,573	1.3
Some other race	15,147	1.3
Two or more races	259,343	21.4

group in the U.S. The census report category “Native Hawaiian and Other Pacific Islander” was the only one where people claiming two or more races outnumbered those reporting a single race. Nationwide, 398,835 people reported themselves solely as native Hawaiian or other Pacific Islander, with another 475,579 people identifying themselves as native Hawaiian or other Pacific Islander in combination with some other race. The largest subgroup in the category of Native Hawaiian and Other Pacific Islander was Native Hawaiians. Of all Pacific Islanders, native Hawaiians were most likely to identify themselves as “mixed race,” resulting in 65 percent of all native Hawaiians claiming a racially mixed ancestry. In comparison, only 25 percent of Tongans in the U.S., and 28 percent of Fijians, indicated that they were also racially “mixed” (Donnelly, 2001).

Despite such statistics, a 50 percent blood quantum requirement is still used in many important contexts to define native Hawaiians. Hawaiians were first defined by blood quantum in the Hawaiian Homes Commission Act (HHCA) of 1920, in which “descendants with at least one-half blood quantum of individuals inhabiting the Hawaiian islands prior to 1778” were entitled to federal assistance through a native rehabilitation scheme (McGregor, 1989; Kauanui, 2002). When Hawai‘i became a state in 1959, this federal definition of native Hawaiian was appropriated by the state and made part of the Hawai‘i State Constitution, which indicated that former Crown and government lands once controlled by the Territory of Hawai‘i would be held by the state as “a public trust for native Hawaiians and the general public” (Kauanui, 2002). However, red tape and controversy has held up distribution of certain lands reserved for native Hawaiians. Of the 200,000 acres of land set aside for long-term leases for native Hawaiians at a one-dollar per year fee, only some 43,000 acres have been leased. And now, more than 80 years since the establishment of the HHCA, many young Hawaiians who are taking over Department of Hawaiian Home Lands applications from their parents or grandparents can no longer meet the 50 percent blood quantum requirement because of their increasingly “mixed” racial identities. The 50 percent blood quantum requirement has resulted in frustration for many younger Hawaiians, who, despite their increasingly heterogeneous ancestry, consider themselves Hawaiian, and therefore entitled to programs established “in trust” for Hawaiians.

Unlike the state of Hawai‘i, which uses the 50 percent blood quantum requirement to define native Hawaiians, the federal government defines Hawaiians as “any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii” (Kauanui, 2002: 117). This definition has its own problems as well. In the *Rice v. Cayetano* case, several Supreme Court justices took issue with this inclusive definition of native Hawaiian. Justice Scalia, for example, argued that such a definition was too broad. Justice Breyer, in his concurrence with the majority opinion, stated that although “many tribal constitutions define membership in terms of having had an ancestor whose name appeared on a tribal roll,” the ancestor lived in the far less distant past than the accepted ancestry of native Hawaiians, who look back to 1778. Breyer wrote: “the statute defines the electorate in a way that is not analogous to membership in an Indian tribe. Native Hawaiians, considered as a group, may be analogous to tribes of other Native Americans. But the statute does not limit the electorate to native Hawaiians. Rather it adds to approximately 80,000 native Hawaiians about

130,000 additional ‘Hawaiians,’ defined as including anyone with one ancestor who lived in Hawai‘i prior to 1778, thereby including individuals who are less than one five-hundredth original Hawaiian (assuming nine generations between 1778 and the present)” (*Rice v. Cayetano*, 528 U.S. 495, 526 [2000]). Breyer further explained that to define membership “in terms of 1 possible ancestor out of 500, thereby creating a vast and unknowable body of potential members – leaving some combination of luck and interest to determine which potential members become actual voters – goes well beyond any reasonable limit” (*Rice v. Cayetano*, 528 U.S. 495, 527 [2000]).

As Justice Breyer’s opinion indicates, racial identity in the U.S. is understood in very specific, quantifiable terms. Yet, as is the case with many racially mixed individuals, quantifying ancestry is difficult and problematic, especially for individuals whose mixed heritage goes beyond the “50/50” breakdown. Hawai‘i is populated with many such individuals; the most prevalent mixes generally include some combination of those groups who comprised Hawai‘i’s early plantation laborers and settlers, including Japanese, Chinese, Hawaiian, Portuguese, English, Irish, Scottish, German, Filipino, Korean, Spanish, and Puerto Rican. It is interesting to note here that one of the popular terms used to define multiracial individuals, “poi dog,” is somewhat pejorative – although in “local” Hawaiian style, it is meant to be humorous – as it equates racially mixed humans with a sort of “mixed mutt” that one might find at the dog pound or humane society. The implication in the term “poi dog” is that someone who is racially mixed has no true “home,” and, perhaps, no true “identity.”

Why is there so little social space for acceptance of multiracial identities? Furthermore, why is there such a strong focus on quantifiable racialized identities within social, legal, and political arenas? One possible reason is that historically, identities have been articulated as singular. The mapping of singular – typically “national” – identities onto specific geographically bounded spaces is a phenomenon of the modern world (Anderson, 1991). We have come to assume that people everywhere fit into one or another known, accepted cultural group. Of course, some scholars, such as Gupta and Ferguson (1997), point to fundamental problems that may arise from the assumed isomorphism between space, place, and culture, such as (a) people who inhabit “borders”; (b) cultural difference within locality; and (c) the legacy of hybridity within postcolonial spaces (Gupta and Ferguson, 1997: 35, 47). Rika Houston argues that monoracial categories are inadequate tools for racial classification in a world of increasingly interracial marriage and multiracial births. Furthermore, Houston believes that monoracial categories only serve to perpetuate their underlying racist foundations (Houston, 1997: 153).

Although new scholarship is emerging that problematizes the lack of social and political space for mixed-race individuals, particularly within the Asian American community (Houston, 1997; Spickard, 1997; Nash, 1997) and the Latino community (de Lauretis, 1986; Anzaldúa, 1987; Moraga, 1993), there is little scholarly discussion of the ways in which a lack of legal understanding of racially mixed Hawaiians continues to influence the social and political construction of identity in contemporary Hawai‘i. Since some 65 percent of all native Hawaiians identified themselves as being of more than one race on the 2000 U.S. Census Report, the question of what constitutes contemporary Hawaiian identity is of extreme importance.

As many Hawaiian activists have indicated, current definitions and categories of “Hawaiian identity” will not do. First and foremost, the existence of two “legal definitions” of Hawaiians is problematic. Creating distinctions between a “native Hawaiian” (as someone who is “half” Hawaiian) and a “Hawaiian” (as someone who can trace ancestry to 1778) results in competitive views about identity, encouraging individuals with “more blood” to stake a greater claim to a specific identity than individuals with “less blood.” This focus on blood quantum leaves many individuals feeling disconnected from a heritage and culture they embrace. Furthermore, a focus on blood quantum denies the cultural importance of genealogy to Hawaiian ancestry, privileging instead quantitative Western notions of identity. Nowhere in the Hawaiian genealogy chant, the Kumulipo, is there a reference to a “percentage” of Hawaiian blood as the determining factor for Hawaiian ancestry. Hawaiian genealogy is simply traced through ancestry to the sky father Wakea, and the earth mother Papa (Beckwith, 1951).

In addition, a preoccupation with “blood” and “percentages” results in myriad assumptions about the connection between physical characteristics and identity formation. In other words, as legal structures privilege blood quantum, so will popular understanding continue to privilege such measurements, resulting in assumptions that someone who is “truly” Hawaiian, or someone who has a significant amount of “Hawaiian blood,” should look Hawaiian, and have dark hair, dark eyes, and dark skin. However, this is not always the case, and racially mixed individuals may easily possess more physical characteristics from one part of their ancestry, which is less prevalent in terms of percentages, than another. Unfortunately, assumptions are often made about which ancestry a mixed individual most closely identifies with, simply by assessing one’s physical characteristics. So, if an individual appears more “Asian,” he or she is assumed to identify with his or her Asian heritage, regardless of identifications made with other parts of his or her ancestry.

A limited understanding of identity formation processes for racially mixed individuals results not only in misperceptions and incorrect assumptions on the part of “outsiders,” but also on the part of mixed individuals themselves, who often feel internally bounded by the complex contradictions that exist around identity formation. As a result, racially mixed individuals in Hawai‘i are often compelled to conceive of their identity in *homogeneous* terms, thus denying their own wider genealogical heritage. This is particularly the case within the native Hawaiian community, and even more so among Hawaiian individuals who are involved in rights advocacy or sovereignty activism.

The desire to construct a singular identity, particularly when such an identity has significant political implications, is understandable. As discussed above, the fact that the legal and political salience of multiracial identities has yet to be established creates complex contradictions for racially mixed individuals. As the rights of such groups as native Hawaiians continue to be threatened, the need to assert what has become a highly politicized “native” identity becomes paramount. Furthermore, essentialized notions of indigeneity, which have grown out of international policy advocacy from supra-state organizations such as the United Nations Working Group on Indigenous Rights and the International Labor Organization, have contributed to monoracial constructions of indigenous identity. Popular culture, particularly literature, as well as traditional anthropological ethnographies, have also contributed to these romanti-

cized monoracial constructions of native peoples. Little space has been made within such discourses for the existence of racially mixed indigenous people, such as the large percentage of racially mixed Hawaiians. It seems logical, then, that a sort of strategic essentialism (Spivak, 1995), where multiracial Hawaiians are compelled to authenticate their identity as “strictly native,” continues to take place. However, recent scholarship questions the implications for anthropology of political projects that construct an essentialized indigenous identity (Merry, 1997; Wilson, 1997; Gupta, 1998).

In *Postcolonial Development*, Akhil Gupta asks whether anthropologists can actually separate a “theory of cultural difference” from the political projects of indigenous peoples, in which a type of “strategic essentialism” is used to make rights claims (Gupta, 1998). Gupta further argues that theories of postcoloniality, which stress the hybridities and impurities stemming from the legacy of colonialism, can help us make the separation between theories of cultural difference and the political projects of indigenous peoples by “pointing out that ‘indigenous knowledge’ is not a static or closed system but is itself heterogeneous, hierarchical, and infused by relations of power and inequality.” According to Gupta, “indigenesness” is a conjunctural location rather than an essential identity; and “the effectiveness of ‘indigenous’ identity depends on its recognition by hegemonic discourses of imperialist nostalgia, where poor and marginal people are romanticized at the same time that their way of life is destroyed” (Gupta, 1998: 18).

Rather than focusing on “authenticity,” if anthropologists and social theorists focus on how conjunctures give rise to hybridity, particularly in postcolonial contexts, we can better understand why and how the construction of particular types of seemingly essentialized identities have come to play a major role in the political projects of disenfranchised groups. Using the notion of conjunctures, we can then begin the process of deepening our understanding of hybrid identities, thus encouraging the social, legal, political, and personal recognition of mixed ancestry. Clearly, the current disjuncture between analytical structures that favor racially homogeneous identities, and the reality of heterogeneous identities, particularly in unique geopolitical spaces such as Hawai‘i where multiracial identities are prevalent, will continue to jeopardize appropriate adjudication of historical inequities. And, of course, with increased instances of interracial marriage, issues of mixed race identity formation in the U.S. will only continue to rise. As it stands, the number of people who checked the U.S. census report box labeled “other” (and, we may assume that this represents a larger percentage of people who consider themselves “mixed-race”) increased by 45 percent between 1980 and 1990 (Houston, 1997). And, as mentioned earlier, some 2 percent of the U.S. mainland, and 21 percent of residents in Hawai‘i, identified themselves as racially mixed on the 2000 census report. Undoubtedly, respondents to the “mixed race” category on the 2010 census report will rise by a significant margin, not only in Hawai‘i, but also throughout the U.S. mainland.

If academic scholarship continues to problematize the legal, social, and cultural construction of race as a predominantly *homogeneous* category, both the state and civil society will hopefully begin to address on a larger scale the disjuncture between the reality of racial hybridity in unique geopolitical places – particularly those with “colonial” histories – and analytical structures that privilege singular identities. Legal, political, and social acceptance of increasingly heterogeneous identity formations will

result in wider recognition of ethnically mixed indigenous peoples and their rights claims.

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PART

VI

**Anthropological
Method and
Postcolonial Practice**

CHAPTER 23 Ethnography

Peter Whiteley

INTRODUCTION

This chapter treats the ethnography of American Indians in several aspects. It is an inquiry into the origins and history of ethnographic representations of Native North Americans, and a summary review of historic and present trends and exemplary texts. As such, it is necessarily selective, and some of the selections and their corresponding absences may appear somewhat arbitrary; but the record is enormous, and it is impossible give a complete accounting. The reader should bear in mind that the historical narrative is not comprehensive, and that specific cases are presented for illustration of larger historical trends. The inquiry proceeds as a chronology arranged into two basic phases: pre-paradigmatic (1492–1850), and paradigmatic (1850–present), borrowing Thomas Kuhn’s concept of “paradigm,” to indicate a dominant theoretical trend marking a diagnostic mode of ethnographic thought. Put differently, the two periods are differentiated by the lack of a disciplined theoretical framework guiding ethnography in the first phase, and systematic attempts – with some successes – to impose disciplinary regularity on ethnography in the second. Ethnography has never been practiced in isolation from larger intellectual inquiries, or from the politics and practicalities of the Western encounter with Native Americans. My approach seeks to treat the ethnography of Native Americans as both an epistemological question within Western cultural discourses more broadly, and as a historical problem within the politics of relations between indigenous societies and European colonists. The links are frequently only suggestions rather than full-fledged arguments, owing to space limitations, but are nevertheless critical to my argument. Numerous “guild” histories of the anthropological discipline isolate the field from prevailing currents of social discourse and action, and locate its dynamics in specific “great men.” Thus, various “fathers” of ethnography – Malinowski, Boas, for example – seem to have appeared out of nowhere, as if by spontaneous combustion. Any account that privileges a single, individual source or an epiphanous moment is, however, anthropological mystification. Ethnography in the New World

is coterminous with Europeans in the New World; ethnography is a deeply *cultural* and politically *structural* matter, that goes back in one way or another to Columbus.

There is no question that ethnography can claim great credit for the humanist impulses of relativism and pluralism, but it is also clear that ethnography developed out of a colonial context: indeed, as the European discourse of encounter, ethnography began life as a colonial science. In the 20th century, ethnographers typically sought to separate their practice from its colonial associations. When, for example, charges that ethnography had been complicit with imperialism – as producing knowledge useful to subjugate indigenous peoples – began to gain ground in the 1960s (e.g., Maquet, 1964; Asad, 1973; and see Said, 1989), they provoked earnest protest from senior anthropologists. Recent histories that depict ethnography as *only* a colonial instrument (e.g., Michaelsen, 1999) are simplistic: the anthropologists' protests were not mere apologia, but heartfelt defenses of the discipline's (and its practitioners') core commitment to an ideal of intercultural explanation. I have argued (Whiteley, 1998) that ethnographic work is, *wolens nolens*, subversive to colonial thought, in that cultural translation opens up a larger universe of discourse that entails (eventually if not proximately) reflexive contemplation. Cultural relativism is the fruit of such contemplation. Despite being reviled for its more doctrinaire stances in the current culture wars, relativism has become a settled truth of humanistic social thought. And, lest we forget, that thought represents a radical transformation of consciousness in Western society from preceding ideologies.

Today, "ethnography" – literally the describing of a people or culture – is understood as the descriptive branch of cultural anthropology; the comparative study of the varieties of human culture across the globe. Within this referential field, "ethnography" further denotes three things: (a) the general practice of describing cultures, (b) the written text that describes a particular culture, and (c) the "fieldwork" on which such texts are based, involving intensive, participant-observation research by a scholar in a particular society over extended periods. Before its professionalization in the early 20th century, ethnographic descriptions had long existed, especially at the hands of Christian missionaries with extended experience in non-Western societies. In the United States, anthropology began to be organized as an academic discipline in the late 19th century, notably through the efforts of John Wesley Powell at the Bureau of American Ethnology in the Smithsonian Institution, of Daniel Brinton at the University of Pennsylvania, and most especially of Franz Boas, first at the American Museum of Natural History and then at Columbia University. Boas's appointment at Columbia is heralded as marking the true beginning of anthropology as a university discipline. Similar disciplinary engagements were also emerging in Europe, especially in Britain and France (e.g., Harris, 1968). The American version was distinguished, however, by its proximate access to indigenous peoples only recently affected by the West, who became its principal object of investigation, a "living laboratory," so-called. Ethnography at the cusp of professionalization evinced science's disinterested pursuit of knowledge for its own sake, but (unlike, say, geology) this rested uncomfortably upon a degree of obliviousness by its practitioners to the often dire circumstances of its subjects – especially in the Plains, California, and the Northwest. Be that as it may, American anthropology was fundamentally shaped by its superordinate focus on Native American cultures (Bieder, 1986). Reciprocally, anthropology became the principal means through which textual representations of

Native cultural realities were generated and disseminated. In Britain and France, ethnography similarly focused on indigenous peoples in those countries' respective empires, especially in Africa and Oceania. Ethnography, in short, was the description of the colonized. If this sketches a formal beginning, however, the broad circumstances predicating ethnography's emergence require some attention.

Ethnography has dual preconditions: conjuncture and difference. "Difference" is nowadays a heavily freighted term in literary and cultural studies. But I here refer to something (at least apparently) simpler, i.e., differences in the larger contours of human life in society, specifically marked by such things as language, history, "race," economy, technology, landscape, aesthetics, sensibility, worldview, etc. – the sort of differences that appear so obvious to those recently in mutual contact as to proclaim disparateness. By "conjuncture," I mean the coming together of such disparate peoples, hitherto unknown to each other, in particular moments where the fact of their engagement challenges their (respective) pre-existing notions of being and meaning. Transferred from abstract definition into a concrete setting, the most striking and influential instance of conjuncture and difference, and indeed a primary source of their very conceptualization as abstract principles, is the European "discovery" of America. Indeed, this encounter, and the conjuncture of different peoples it set in motion, is, in an important sense, the philosophical origin of ethnographic inquiry. Europe was not, of course, isolated, prior to 1492. Formal, written accounts of distal Others – people beyond one's own society and sufficiently ill-known, or culturally or linguistically so dissimilar, as to require explanation – can be traced back in the classical tradition to Herodotus's fifth-century B.C. accounts of peoples beyond ancient Greece (e.g., Hodgen, 1964). After Herodotus, however, and into the late Middle Ages, European thought about cultural others turned away from Herodotus's largely objective descriptions, in favor of endlessly recycled mythical fables of monsters and deviants: humanoids with no heads and eyes in their chests, troglodytes, giants, people who fattened their own children to eat, people with tails, and so on (*ibid.*) – all of which features, incidentally, were attributed to Native Americans, as archetypal savages, when they were discovered (Berkhofer, 1978). This persistent European fantasy of the Other, despite actual encounters with substantive human alterity, can only be explained psychologically or ideologically (or both), but it does indicate a prevalent Dark Age of willed ethnological ignorance. The Medieval European episteme is important because it predicates discursive fields that eventuate in modernity's ethnology. But beyond this, accounts of difference have, inferentially, always been essential mechanisms creating and determining group identity in all societies, expressing a fundamental "we are who you/they are not." This "Problem of the Other" – whether to trade with it, marry (and incorporate) it, otherwise communicate with it, or fight it, all of which solutions succeed a primary process of representing it – has probably been basic to hominid sociality since the Pleistocene (at least). Insofar as awareness of identity and difference is reflexive, a good deal of culture – even as it is habitual and unconsidered from day to day – is self-consciously discriminating. Nonetheless, formal anthropological ethnography, beginning especially with Lewis Henry Morgan's *League of the Ho-de-no-sau-nee, or Iroquois* (1851), may be legitimately distinguished from other kinds of cultural description in that it depends upon a mode of thought undergirded by rationalism, objectivism, and empiricism. That mode only sprang to the fore, against a tenacious

theological opponent and an even more perduring white imaginary of “Indians,” in the 19th century.

DISCOVERY

“In the beginning, all the world was America,” announced John Locke in 1661, summarizing the archetypal European view, nearly two centuries after the Columbian voyages, of indigenous Americans as figures of allegory rather than human beings with whom one might engage in dialogue, much less learn something about other civilizations. As such, they were allegories of the primeval European past, and cast very much in Europe’s own image. Locke’s remarks derive from a widespread discourse of human “progress” that located Native Americans at the bottom of the ladder as “savages,” wild people in a “state of nature” (Slotkin, 1965: 173–4; Hallowell, 1976: 47). While Locke allowed that there was a “psychic unity” of all mankind, with all descended from a single divine creation, some peoples had degenerated since the Flood, while others had advanced (through their own labors): the varieties of humankind were thus explained within a hierarchical framework of cultural form as willed achievement.

Pearce (1953) and Berkhofer (1978) recount the historical growth of an imaginary “Indian” as oppositional category to “European,” and of the synonymous “savage–civilized” opposition in white thought. A persistent dual imagery of Indians – as Noble or Ignoble Savages – emanated from European self-projections, a process Todorov (1984) locates in Columbus’s own first ambiguous “ethnographic” descriptions. Polar images – of docile, peaceful, guileless, children of nature, on the one hand, and brutal, mendacious, incestuous, torturous cannibals, on the other – time and again displace observational experiences: it seems that in European and Euro-American consciousness, actual Native American people and customs must be harnessed to a pre-existing imaginary. Both poles mark Indians by signal absences – of law, society, religion, polity, monarchy, culture, civilization – deficiencies, then, of all those things which Europeans imagined distinguished themselves as the apex of human progress: “Images of the Indian, accordingly, were (and are) what he was not or had not in White terms, rather than in terms of individual tribal cultures and social systems as modern anthropologists aim to do. This negative prototype of the deficient Indian began with Columbus but continues into the present” (Berkhofer, 1978: 26; see chapters 18, 26).

On the basis of the previous generalization, Berkhofer concludes: “Ethnographic description according to modern standards could not truly be separate from ideology and moral judgment until both cultural pluralism and moral relativism were accepted as ideals. Not until well into the twentieth century did such acceptance become general among intellectuals” (ibid.: 27). In my view, however, this is putting the pluralist cart before the ethnographic horse. It is, rather, the long accumulation of ethnographic experiences and circulating observations, slowly but increasingly distinguishing themselves from the savagist ambient, that gave rise to relativism and pluralism in the first place.

Nevertheless, it is within and against this mythical ambient of “the Indian” projected by reflexive white consciousness that Native American ethnography has

historically developed. Sometimes ethnography (or its prototypical forms) has reflected the ambient, sometimes been its instrument, but wherever ethnography has sought to develop genuinely objective descriptions of particular Native peoples, it has had to strive, consciously or unconsciously, against an inordinately obdurate structure of projected imagery. Columbus himself is the first “ethnographer” of New World peoples, but his ambiguous descriptions – at least as presented synoptically by Las Casas (their only surviving form) – evidence the confusion experienced by Europeans from this encounter. On the one hand, his observation statements contain evidently reliable reports – on canoe travel, body paint, gold nose ornaments, gifts of parrots, balled cotton thread, and javelins (Dunn and Kelley, 1989: 67–73). His inferential statements, on the other hand, concerning the absence of any religion, for example, are obviously less credible and more projective. On his second voyage in 1493, Columbus gave Fr. Ramon Pane the first Americanist ethnographic charge, but disparaged the result: “I ordered one Friar Roman [Ramon] Pane who knew their language to collect all their ceremonies and their antiquities although so much of it is fable that one cannot extract anything fruitful from it beyond the fact that each one of them has a certain natural regard for the future and believes in the immortality of our souls” (Bourne, 1906: 313).

On Haiti, Pane recorded Taino mythological narratives of human emergence and gender separation, as well as Taino natural history, totemic beliefs (with discernible similarities to other Arawakan beliefs recorded centuries later, of the sort analyzed by Lévi-Strauss [e.g., 1973]), and included his own observations on totemic and shamanic practice (Bourne, 1906). These descriptions are the earliest translations of Native American cultural texts, and semi-objectively interpreted observations in a European language.

Throughout the 16th century, there are traces of true ethnographic observation – though saturated with ideology and value judgment – notably with the works of Bernardino de Sahagún and Diego de Landa in Mexico (e.g., Todorov, 1984). In North America, Spanish explorers and conquistadors in the Southeast and Southwest generated some substantive descriptions. The Coronado expedition of 1540–2 is a noteworthy example, containing descriptions of the several Pueblo peoples, and of nomadic Indians of the Plains as far as the agricultural Wichita (Winship, 1896). Likewise in the Southeast, Hernando de Soto’s expedition, when not massacring or enslaving native communities (Coronado has a little better record in that regard), left some significant records of southeastern chiefdoms, especially via Cabeza de Vaca (e.g., Hudson, 1997). Around 1550, in his *Apologetica Historia*, Bartolomé de Las Casas, the Dominican bishop of Chiapas, with extensive experience in the New World, assembled existing accounts of native cultures, including those of Cibola (Zuni), Tusayan (Hopi), and Tiguex (Southern Tiwa) in “New Mexico,” and from Florida, producing a comparative anthropology, drawing on cross-cultural examples from the ancient and medieval world. He includes information on social and architectural forms, population, economy, religious ceremonies, and political organization (e.g., Serrano y Sanz, 1909: 448–551, *passim*).

Las Casas was concerned to defeat the projected image of Native Americans as non-human, therefore unfit for Christian conversion but fit for enslavement, and having no acknowledgeable rights over their persons, lands, and property – which could, therefore, be appropriated with impunity. In the famous debate at Valladolid, Spain,

in 1550, Las Casas was opposed by Ginés de Sepúlveda, a scholar who had never traveled beyond the Iberian peninsula (Hanke, 1959). The debate was not clearly resolved, and it did nothing to settle the European problem of the American discovery, but it does mark a beginning for reasoned and relativist ethnographic description (for which Las Casas has been too long neglected) striving against prevalent savagist ideology.

THE SEVENTEENTH AND EIGHTEENTH CENTURIES

The fur trade was a primary nexus of European–Native American relations across a vast expanse of North America. This economic engagement, as Richard White (1991) and Eric Wolf (1982) have convincingly demonstrated, had a significant impact on restructuring native societies like the Ojibwe. The fur trade entailed a recognition of Native autonomy – culturally and territorially, for example – to some extent, and encouraged some mutuality in social relations (for example, the Hudson’s Bay Company practice of encouraging their factors to marry native women, producing a new interstitial population of “Métis”). In the Northeast, political and economic competition among the European powers and their respective settler populations (principally English, French, and Dutch) further affected native societies. The Iroquois effectively played off the respective colonies against each other for almost 200 years (e.g., Wallace, 1969; Fenton, 1998). Only with the end of the French and Indian Wars (in 1763) and the War of Independence was the sovereignty of the Six Nations Confederacy compromised. For the Algonkians of New England, direct competition for territory and souls disrupted indigenous autonomy, especially for example with King Philip’s (Wampanoag) war of 1675–6 in Massachusetts (Richter, 2001).

In addition to trade and the politics of war, missionizing Native peoples involved an assault on their cultural values and social independence. It is to the missionaries, however, notably the Jesuits in the 17th century, that we owe the earliest good documentary descriptions of Native cultural life in the Northeast. Although Franciscans were very active in the Southwest throughout the 17th and 18th centuries, they did not leave anything like the same ethnographic record assembled by their brethren. The *Jesuit Relations* (Thwaites, 1896) contain an extensive chronological accounting of the missions (notably Huron and Iroquois), especially, with significant windows upon native worldviews and social practices. From information in these Jesuit chronicles, Father Lafitau (1724) developed what is regarded as the first comparative social anthropology, although as such, it clearly has an antecedent (much less sophisticated, to be sure) in Las Casas’s neglected *Apologetica Historia* two centuries earlier, as described above (Serrano y Sanz, 1909). Focusing especially on Iroquois ethnography, Lafitau’s cross-cultural comparison establishes a systematic series of categories: Religion; Political Government; Marriage and Education; Occupations of the Men; Occupations of the Women; Warfare; Embassies and Trade; Hunting and Fishing; Games; Sickness and Medicine; Death, Burial and Mourning (Fenton and Moore, 1977). In describing Iroquois kinship, Lafitau has been recognized as prefiguring Morgan’s ethnography by more than a century (ibid.: xxxv), and his interrelation of kinship, residence, and exogamy in Iroquois society sets a foundation in anthropological studies of social organization (Tax, 1955). Indeed, Lafitau’s

rubrics are very similar to the categorical arrangement of 20th-century ethnographic monographs. This early template for organizing descriptions, and rendering a Native culture through its structure, is an important transition toward systematic ethnography. It is easy to forget that the organizational structure of a typical 20th-century ethnography – not to mention the table of contents of a 21st-century anthropology textbook – dividing sociocultural life into kinship and social organization, economy, politics, and religion (the “four cornerstones” of social science; see Schneider, 1984) – and, *ab extenso*, of the very culture described through that structure – has a specific conceptual history: it did not spring automatically from the experience of cultural encounter.

The study of native languages was more easily separated from the projected Western imagery and ideology that plagued early ethnographic projects. As a necessity to effective missionary activity, the study of indigenous languages began to take on a life of its own. In 1643, Roger Williams published *A Key into the Language of America*, the first systematic attempt to represent a native language (Hallowell, 1976: 44). Williams arranged his lexicon into subject groups, including “Of their relations of consanguinitie and affinitie, or Blood and Marriage,” “Of the family and businesse [*sic*] of the House,” “Persons and Parts of the Body,” as well as salient material on ecology, medicine, war, and trade, and on each subject he added “observations in general” which, though brief, are clearly ethnographic in temper. Two decades later, John Eliot translated the Bible into Naragansett, and wrote a descriptive grammar of that language (1666; *ibid.*: 58). These are only some examples of missionary contribution to the ethnography of the native New World.

United States Independence significantly enhanced Euro-American inquiry into Native American culture. As now “Americans,” influential intellectuals, especially Thomas Jefferson, vigorously rejected European prejudice about the people and natural resources of their new sovereign state. In France, the Comte de Buffon, a naturalist with an early streak of environmental determinism, notoriously characterized the diminutiveness and feebleness of all American species, including human beings, who had reduced “organs of generation” and whose males were lacking in “ardor for the female” (e.g., Hallowell, 1976: 41–2). Jefferson took umbrage at this fanciful, but authoritative, pronouncement by “the pope of 18th century zoologists” (*ibid.*: 41), and rebutting such myths of America was, in part, the impetus behind his memorandum instructing the explorers Lewis and Clark to collect ethnographic information by systematic categories, including:

The extent and limits of their [i.e., tribes'] possessions;
 Their relations with other tribes or nations;
 Their language, traditions, and monuments;
 Their ordinary occupations in agriculture, fishing, hunting, war, etc., and the implements for these;
 Their food, clothing, and domestic accommodations;
 The diseases prevalent among them, and the remedies they use;
 Moral and physical circumstances which distinguish them from the tribes we know;
 Peculiarities of their laws, customs, and dispositions;
 Any articles of commerce that they may need or furnish, and to what extent. (Pearce, 1953: 106)

The Lewis and Clark memorandum was based on an American Philosophical Society (APS) circular of 1798, shortly after Jefferson became its president. The APS and similar organizations emerging at the close of the 18th century (like the Massachusetts Historical Society and the American Antiquarian Society) sought to compile information on native customs and history, especially pertaining to local areas in the state organizations (Pearce, 1953: 112–13). The APS circular was also a foundational document of American anthropology: it proposed inquiries into four areas, two of which concerned the native peoples of America: the second, on Native “works of art, including ancient fortifications and tumuli,” and the fourth, on “the Customs, Manners, Languages, and Character of the Indian Nations, ancient and modern, and their migrations” (Chinard, 1943: 270). Chinard (*ibid.*) argues for Jefferson’s authorship of this circular that “constitutes the charter of American ethnology.” Subsequent questionnaires, including those of Lewis and Clark, Lewis Cass in the 1820s, Henry Rowe Schoolcraft in the 1840s–50s, Lewis Henry Morgan in the 1850s–60s, the Smithsonian Institution in the 1860s, and the Bureau of American Ethnology thereafter, are the direct heirs to Jefferson’s blueprint (Hallowell, 1976: 61). Jefferson was also particularly concerned with Indian origins in the New World and in the identity of those who had built archaeological remains of monumental stature, and he personally excavated a mound. Hallowell further demonstrates that, presaging structures of ethnographic inquiry that persisted into the 20th century, “Jefferson’s historic role was decisive in forging a link between anthropological inquiry, government enterprise, and responsibility for Indian affairs” (Hallowell, 1976: 53). In southwestern and northwestern North America, Spanish, British, French, and Russian exploration produced other valuable ethnographic documents. The Domínguez-Escalante expedition in 1776 through modern New Mexico, Arizona, and Utah (e.g., Bolton, 1951) is especially noteworthy for Silvestre Vélez de Escalante’s descriptions of Hopi, for example (Adams, 1963). Antonio Cordero’s remarkable description of Apache cultural and social forms in 1796 (Matson and Schroeder, 1957) presages late 20th-century descriptions of band societies. In the Northwest, the voyages of Cook, Vancouver, Malaspina, and the Russian traders produced valuable descriptions of numerous native societies (e.g., Rickman, 1781; Makarova, 1975; Cutter, 1991; Kan, 1999).

THE NINETEENTH CENTURY BEFORE MORGAN

Out of the formative currents of Jeffersonian thought, the Lewis and Clark expedition marked the first phase of a more systematic attempt to record Native cultures. Using Jefferson’s questionnaire, Lewis and Clark’s ethnographic observations (Thwaites, 1904–05) are substantial and still undervalued. Their records on material culture, including house-forms and canoe types, is “time and again equal or superior to accounts in modern ethnographies” (Ray and Lurie, 1954: 359). Lewis and Clark outlined three culture areas in their travels: Plains, Plateau, and Northwest Coast, referring to them in terms of regional personalities (*ibid.*: 366).

Building on the American Philosophical Society circular, Lewis Cass, Governor of Michigan Territory, circulated a 30-page questionnaire in 1821 to travelers and those under his authority as Superintendent of Indian Affairs, addressing “Inquiries

Respecting the History, Traditions, Languages, Manners, Customs, Religion, & c. of the Indians, Living within the United States,” and an additional slightly longer questionnaire the following year (Weslager, 1978: 85). He was able to generate comparative information on Delaware, Shawnee, Miami, Kickapoo, and Wyandot from what he received. This questionnaire, which Henry Rowe Schoolcraft used in his Ojibwe research in the 1820s, is clearly the source for the latter’s own major circular of the 1840s. Schoolcraft had accompanied Cass on an expedition to the headwaters of the Mississippi in 1819–20, and, through Cass’s influence, was appointed Indian Agent at Sault Ste. Marie in 1822. Schoolcraft became fluent in Ojibwe and married an educated half-Ojibwe woman. His *Algic Researches* (1839), including traditional narratives translated from Ojibwe, comprise the first serious work on Native American literature, and Schoolcraft was manifestly aware of their importance for an understanding of Native philosophy, religion, and cultural values (Hallowell, 1976: 77–8).

Schoolcraft retired from his post as Indian Superintendent in 1841, and in 1845, following a survey of the Iroquois in New York (Schoolcraft, 1846), he petitioned Congress to publish an encyclopedia on Native America along the same lines. The result, his massive, six-volume work, *History Condition and Prospects of the Indian Tribes* (1851–57), was underwritten by the Office of Indian Affairs (until 1849 located in the War Department). In scope, this work is a precursor to the compendious inquiries of the Bureau of American Ethnology beginning in 1879. Schoolcraft included the latest reports from all points on the frontier, and his compilation is fascinating and underused. But the idiosyncratic nature of his interpretations (and his evident savagist prejudices), and of the volumes’ arrangement, not to mention the absence of an index until 1954, have led to their virtually total neglect nowadays.

The imbrication of forces in ethnographic description that Thomas Jefferson instantiated – national expansion, proto-academic discourse, and policy-making – is evident throughout the work of Cass, Schoolcraft, and others. In 1842, Schoolcraft, Albert Gallatin (an important student of native languages [Hallowell, 1976: 64]), and others, founded the American Ethnological Society, an important event in the specialization and institutionalization of the ethnographic study of the peoples and cultures of the Americas.

A major force contributing to the development of ethnographic knowledge of Native American cultures was U.S. national expansion. Lewis and Clark’s expedition (1804–6, on the heels of the Louisiana Purchase of 1803) set the pattern for exploratory surveys that increased significantly after the 1840s, the decade when the U.S. annexed much of the West – including the areas covered by modern Texas, New Mexico, Arizona, California, Nevada, Utah, Oregon, parts of Colorado, and Wyoming. George Gibbs and others’ surveys in California, Washington, and the Northwest Coast (e.g., Powell, 1877–93: *passim*), Whipple’s railway survey from the Mississippi to the Pacific (Whipple, 1853–54, especially vol. 3, on the Indian tribes), Joseph Ives throughout the Southwest in 1858 (Ives, 1861), John Wesley Powell’s several surveys of the Colorado River in the 1860s–70s (e.g., Fowler and Fowler, 1971), and the expeditions of John C. Fremont (in 1842, 1843, 1845, and 1848) and Ferdinand V. Hayden (in 1871) all brought new descriptions of native peoples and cultures.

LEWIS HENRY MORGAN AND THE LEAGUE OF THE IROQUOIS

While it merits greater use and is filled with occasional gems, Schoolcraft's encyclopedia of Native ethnographica is undeniably a hodge-podge. Morgan's *League of the Ho-de-no-sau-nee* is the first truly systematic, ethnographically derived account of any Native North American society and polity. Morgan was an attorney living in Rochester, New York, with an amateur interest in native culture. His legal training is discernible in his attention to the operational principles of Iroquois sociopolitical structure. Morgan's interest in writing *League* began as an extension of his gentlemen's social club's, the "Grand Order of the Iroquois," desire to know more about actual native traditions (Tooker, 1978). But it is no coincidence that his serious research for the book occurred during the mid- to late 1840s, a time of great political turmoil on the Tonawanda Seneca reservation (where Morgan principally worked). A highly controversial treaty (Treaty with the New York Indians, 1838) sought to remove all remaining Indians in New York to Indian Territory by 1845. A compromise, brokered by the Quakers, required the Seneca to relocate from their two largest reservations at Buffalo Creek and Tonawanda (Hauptman, 1997) to the Cattaraugus and Allegany reservations. But the Tonawanda Senecas, under sachem Jimmy Johnson (who adopted Morgan into the Hawk clan) and chief John Blacksmith, refused to budge, and eventually (in 1857) their reservation was restored. *League* was thus constructed at the height of this controversy threatening Seneca autonomy, and Morgan had an evident political purpose as the "voluntary champion of the Senecas against injustice" (Herbert Lloyd, in Morgan, 1901, III: 163; cf. Bieder, 1986: 240). *League* was a fully collaborative effort between Morgan and Ely S. Parker, a young Tonawanda Seneca (who went on to become Ulysses S. Grant's aide-de-camp in the Civil War, and first native Commissioner of Indian Affairs, administering Grant's Peace Policy). Parker, who was clearly interested in Seneca rights, directly aided Morgan, interpreting interviews with Johnson and Blacksmith (Tooker, 1978; Lloyd in Morgan, 1901, III: 182).

So while hardly a political tract, *League* is clearly a conjunctural document motivated in a political context of threat to the native communities, and with the direct interest of native participants in the research. The text shows the structural and functional logic of the Six Nations confederacy as an operational system with an eminent political rationale, largely disrupting the persistent savagist images of Indian social life, although Morgan's sentiments clearly continued to celebrate "civilization" and saw the Iroquois "barbarian" way of life as vanishing. *League's* survey of the component individual nations (Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora), and their modes of confederation, remains an indispensable source for an understanding of Iroquois polity (see, e.g., Fenton, 1998).

SOCIAL EVOLUTIONISM

The first identifiable paradigm in the emergent scientific anthropology of the second half of the 19th century is social evolutionism. This received a significant boost from Darwin's influence, and that of Herbert Spencer, but evolutionary conceptions – or at

least the idea of cultural “progress” – had long underlain representations of native life – predating the Enlightenment, although it received particular emphasis during that period (Berkhofer, 1978: 47). As anthropology became organized in the 1870s, especially via the work of John Wesley Powell at the Smithsonian Institution, the evolutionary ladder of sociocultural forms – from the state of nature to the state of society, from primitive to modern, savage to civilized – became the framework for display and explanation of native cultures. Edward Tylor’s *Primitive Culture* (1871), Henry Maine’s *Ancient Law* (1861), and John F. McLennan’s *Primitive Marriage* (1865) were landmark socioevolutionary texts constructing the category of “the primitive,” into which Native American culture of all kinds was thrust. Morgan’s own *Ancient Society* (1877) provided the most robust, ethnographically illustrated, theoretical version of sociocultural evolutionism, and presented ethnographers with the “explanatory” goal of locating particular non-Western cultural forms within his staged development from savagery to barbarism (each with threefold internal planes: lower–middle–upper): none (including the Inca, Maya, or Aztec) made it into his last category, “civilization.”

Since his landmark ethnography of 1851, Morgan had set about to systematically gather information (from correspondents and by travels to the West himself) for a schematic comparison of Native American social institutions (and further comparison with “primitive” societies worldwide). These researches resulted in *Systems of Consanguinity and Affinity of the Human Family* (1871), the ur-text for 20th-century studies of kinship and social organization (e.g., Trautmann, 1987), and *Ancient Society*. Morgan’s evolutionism regained influence in the mid-20th century via the works of Leslie White (e.g., 1959) and his students. But his theoretical influence notwithstanding, in the 19th century, Morgan’s evolutionism effectively reproduced the national society’s desire to relegate Native American societies to the national past. The doctrine of “Manifest Destiny” predicated the disappearance of indigenous peoples in the face of the inevitable civilizing advance of the new nation (e.g., Horsman, 1981). Translated into policy, this ideology dictated that Indians must remove west or assimilate. Assimilation without subordination proved a hollow option, however. Those who did assimilate, in significant regard, to dominant white mores, such as the Cherokee – who adopted European clothing, invented a writing system, published a newspaper, established an independent constitutional government, and kept plantations with slaves – and others of the southeastern “Five Civilized Tribes” (Creek, Choctaw, Chickasaw, Seminole) – were forcibly removed in the 1830s and 1840s along with the less assimilated. Successful resistance to removal by the Seneca in the 1830s and 1840s, and the intense debate it generated, not to mention the fast disappearance of public domain beyond the frontier to which Indians could be removed, began to shift government policy away from removal and toward directed assimilation. This policy culminated in the notorious Dawes Severalty (Allotment) Act of 1887.

Social evolutionism provided a temporal echo of both removal and the policy switch to assimilation thereafter: either removed in space from the American presence, or their culture forcibly removed from their persons in that presence, Indians were now anthropologically removed in time from the American present – exemplars of earlier phases of human progress belonging to the ethnological past. It is doubtful this was Morgan’s specific intent, rather than reflecting strains in Victorian thought

more generally. His firm opposition to Six Nations removals from New York has been noted. But in the apparent contradictions between his prescient, largely humanist ethnography, on the one hand, and his *Zeitgeist* scientific anthropology a quarter-century later with its undergirding of savagism and evolutionism, on the other, Morgan dramatizes the birthing pains through which ethnography increasingly began to separate from the ambient imagery of the Indian.

THE BUREAU OF AMERICAN ETHNOLOGY

The evolutionary paradigm governed the Bureau of American Ethnology (BAE), when, after its founding by John Wesley Powell in 1879, it began to record native cultures and collect artifacts for the National Museum. Here objects were displayed, tribally intermingled, as typological examples of vanishing stages of the evolutionary past (e.g., Hinsley, 1981: 125–44; Jacknis, 1985). At the same time, vigorous efforts were being prosecuted by that other government agency, the Office of Indian Affairs, to ensure that those “earlier stages” did vanish: by the allotment of tribal lands in severalty (see chapter 6), and by the brutally assimilationist Indian schools that began in this period (see chapter 17), or more directly by the transshipment of Geronimo and the Chiricahua Apaches to Florida, or the massacre of ghost dancers at Wounded Knee in 1890.

Over time, the BAE was responsible for perhaps the greatest production of ethnography on Native North America in existence. And although its research program was guided by an evolutionist paradigm, that receded from relevance as the specificity of ethnographic reportage deepened. The sheer density of particular descriptions quietly resisted classification by Morgan’s evolutionist pigeonholes, and the explanatory adequacy of such categories began to fade. The Bureau’s annual reports from 1879 to 1931 and its bulletins (1887–1971) contain an incomparable record of numerous native societies. Among the highlights are: Francis La Flesche (an Omaha himself) on the Osage and Omaha; Frank Cushing on Zuni myth and social organization (see Green, 1979); soldier-ethnographer J. G. Bourke on Apache shamanism; James Mooney on the Ghost Dance and on Cherokee traditions; Victor Mindeleff on Pueblo architecture and social history; Jesse Walter Fewkes on Hopi clan migrations; J. N. B. Hewitt on Iroquois cosmology; Franz Boas, with George Hunt, on Kwakiutl ethnology, on texts in Northwest Native languages, and as editor of the first two volumes of the *Handbook of American Indian Languages*; Alfred Kroeber’s *Handbook of the Indians of California*; John Swanton on Haida mythology, on several southeastern peoples, and his 1952 compendium survey of tribes across the continent; Frances Densmore’s series on the music of several native societies; and Ruth Bunzel’s massive corpus on Zuni religion (for specific references, see List of Publications, 1956). Two benchmarks of the Bureau’s efforts were John Wesley Powell’s own *Indian Linguistic Families* (1891), a classificatory synthesis of language studies that laid the groundwork for decades to come, and *The Handbook of American Indians* (Hodge, 1907–10), a two-volume compendium summarizing all that was known about native cultures, ethnographically and historically. Ethnography proliferated from the Bureau’s sponsored research: much was never published but remains on deposit in the National Anthropological Archives. The BAE’s work inspired the

florescence of other anthropological serials and periodicals, and other ethnographic projects.

A remarkable, frequently one-man, expedition during this period was that of photographer Edward S. Curtis. Curtis's multi-decade travails for his lavish, sepia-tinted, 20-volume survey, *The North American Indian*, intermittently sponsored by J. P. Morgan, are now the stuff of legend. Curtis has been reproached for romantically posing his subjects in reconstructed "traditional" settings (e.g., Lyman, 1982), but the inference that this was "inauthentic" reflects a literalist standard imposed retrospectively: the Kwakwa'kwakw of Fort Rupert who participated in Curtis's film *In the Land of the Headhunters* (re-released in the 1980s as *Land of the War Canoes*), for example, did so with well-remembered gusto and pro-actively aided in its operatic recreation of mythological themes and potlatch performance. Moreover, Curtis and his assistants compiled detailed ethnographic records in the published volumes; these are typically neglected nowadays, but there is much information that is reliable and well researched. While commoditized since the 1960s, Curtis's photographs remain a vital contribution. Though they too were often motivated by romanticism or archaism, other photographers produced valuable records of native people and cultural performances especially, as well as scenes from everyday life (e.g., among others, A. C. Vroman, Sumner Matteson, Emry Kopta, and Winter and Pond).

The sheer proliferation of ethnographic materials, in the BAE and other institutional publications, together with their orientation toward salvage, provides the best argument against ethnography's complicity with colonialism. These accounts were not assembled for federal Indian agents to better control subjected populations (in contrast to some later British ethnography in Africa): unlike Schoolcraft in the 1820s, Indian agents at the turn of the 20th century, bent on their appointed task to assimilate their subjects, were typically uninterested in or positively hostile to Native traditions. At Hopi, for example, Superintendent Charles Burton sought to exclude ethnologists as a threat to his program of enforced assimilation. He deplored "those who have an interest in keeping the Indian as he is for selfish gain or from ethnological reasons which I consider worse than any other reason. I do not wish to pose as an ethnological iconoclast unless such ethnology and ethnologists stand in the way of the progress of the Indian, then I say down with ethnology and up with the Indian" (Burton to C.I.A., 1900).

In short, as ethnographic research and publications on Native American cultures became more detailed and more complex, they increasingly opened a space of challenge to the colonial consciousness of domination. Perhaps no one was more singularly responsible for this than Franz Boas.

BOAS AND THE BOASIANS

Boas opposed generalist social evolutionism that failed to take into account the particularities of individual native cultures. He argued that, instead of a universal scheme of stages through which all cultures were destined to pass, explanation of particular cultural elements should proceed by locating them within the context of a culture's total inventory of ideas, practices, and material forms – an approach later dubbed "historical particularism." Boas recorded a plethora of specific ethnographic

detail – indeed, according to some, a surfeit beyond any utility for comparativist explanation (Kwakwa'kwakw blueberry recipes are cited as the typical example). Boas's great contributions to ethnography derive especially from his insistence on the internal integrity of each culture. Although he was not the first to neologize the pluralization of the term "culture" (see Williams, 1976), it was Boas who established that idea in Western intellectual thought. Before Boas, especially in the social-evolutionary model, there was but one human "culture," by which all human groups were graded. And since Linnaeus's classification (1735), which formalized the savagist Indian image into a "scientific" category (e.g., Berkhofer, 1978: 40), there had been but one type of American Indian, identified by a taxonomic pot-pourri of biology, character, mannerisms, habits, and customs, and whose internal variations were frequently elided or dismissed. Boas argued that individual native cultures were *sui generis*, and had to be studied in themselves, not as examples of some evolutionary stage, although he too subscribed to the idea that traditional native cultures were fast vanishing and that they should be recorded for posterity rather than as meaningfully persistent.

CULTURE AREAS

Boas and his students Alfred Kroeber and Robert Lowie, and his colleague Clark Wissler, are most associated with an ethnographic approach that divides cultures into elements, or "culture traits." Such traits, be they material artifacts, songs, marriage practices, kinship terms, myths, or subsistence techniques, were deemed isolable as elemental components of a culture considered as a whole unto itself. A group of traits, linked thematically or structurally, comprised a "trait-complex," and was treated as diagnostic of the particular culture. Kroeber and Wissler began to focus on the patterns configured by such complexes geographically, *across individual cultures*. They discovered that it was possible to identify a "culture climax" site within a wide geographic area where the concentration of trait-complexes was most distinct. Kroeber (1939) and Wissler (e.g., 1917) began to formalize "culture areas" that were dominated by particular culture climaxes, and that coincided with geographic boundaries. The culture-area approach became a dominant theme organizing a great deal of inquiry. At Berkeley, where Kroeber (Boas's first Ph.D. student) and Lowie (particularly known for his ethnography of the Crow [1935]) led the anthropology department, this approach was probably taken to its maximum, via Kroeber's own works (e.g., 1925) and those of his students on native societies of California (see, e.g., Kroeber and Gifford, 1949, and the *University of California Publications in American Archaeology and Ethnology* from the 1930s to the 1950s).

While the focus on traits and their distribution has disappeared, the general structure of culture areas still serves as an organizing principle for ethnological discourse on native cultures (it guides the Smithsonian's emerging 20-volume *Handbook of North American Indians*, for example). This arrangement identifies similarities of cultural form within each of the following areas: Northeast Woodlands, Southeast Woodlands, Plains, Southwest, Great Basin, Plateau, California, Northwest Coast, Subarctic, and Arctic.

RELATIVISM, CULTURE-AND-PERSONALITY, AND STRUCTURAL-FUNCTIONALISM

Two other direct developments of Boas's influence are noteworthy: cultural (and linguistic) relativism, and culture-and-personality studies. Boas's argument for the autonomous value of each culture, rather than its placement within a universal scheme, emerged as early as 1887: "the main object of ethnological collections should be the dissemination of the fact that civilization is not something absolute, but that it is relative, and that our ideas and conceptions are true only so far as our civilization goes" (Boas, 1887, in Stocking, 1974: 66). In this regard, Boas's most influential and lasting legacy to Western thought – indeed, perhaps the legacy of anthropology in general – has been cultural relativism. Boasian relativism displaced the comfortable biblical and social-evolutionary certainties that undergirded signal inequities in social life (whether of race, gender, class, or religion).

Boas's insistence on cultural holism produced a new emphasis in ethnographic fieldwork. His students were sent out to study particular cultures in depth, not for a comparative purpose, but to demonstrate the integrity and "psychological validity" of each (Berkhofer, 1978: 65). The most strongly marked relativism became that focused on languages, and associated with one of Boas's students, Edward Sapir (e.g., Mandelbaum, 1949) and also with Benjamin Lee Whorf (1956). Sapir's studies of numerous western and northwestern native languages, and Whorf's focus on Hopi, eventuated in the "Sapir-Whorf hypothesis" (see chapter 7). Essentially, this states that the language a community speaks – with its locally developed emphases on time, space, and natural form – shapes perception and understanding. If, as Whorf argues, there is truly no conception of what English-speakers call "time" in Hopi, then monolingual Hopis cannot think temporally in anything like the same way as those speaking English, with its marked emphasis on tenses and temporal expressions. Similarly, if Eskimo languages produce numerous "snow" lexemes, if Papago divides up the anatomy of the human arm differently (e.g., Hickerson, 2000), then Inuit and Tohono O'odham (Papago-speakers) "see" and act in the world somewhat differently too. The virtue of linguistic and cultural relativism is that it enables a philosophically grounded explanation for variations in some forms of human behavior, rather than pejorative characterizations of irrationalism in "primitive logic" or "magical thought." Extreme relativism has been discredited, and Whorf's account of the absence of temporality in Hopi has been challenged (Malotki, 1983). But linguistic relativism is still very much alive in contemporary theory (e.g., Lucy, 1992; see chapter 25).

From Boas's interest in the psychological aspects of culture, his students began to concentrate on social-psychological patterns in relativized cultural forms. In Native American ethnography, this is most especially exemplified in Ruth Benedict's work at Zuni Pueblo. Margaret Mead, most of whose research was in Melanesia and Polynesia, tellingly showed that adolescent behavior and gender personae in America were not universal patterns, but were culturally determined (Mead also wrote a book about the Omaha). The ensuing culture-and-personality theory was trained upon numerous Native American cases, most famously in Benedict's *Patterns of Culture* (1934). Studies of childhood and cognitive development in different native societies resulted (e.g., Dennis, 1940; Erikson, 1943; Hilger, 1952).

Beyond the Boasians, a psychological interest radiated into ethnographic practice more broadly. French anthropologist Georges Devereux began to apply a psychoanalytic approach. His published psychoanalysis of an unidentified Plains man (1951), and his work on Mojave ethnopsychiatry (1961) extended ethnography into a new direction that continues to have echoes in contemporary psychological and psychoanalytic anthropology (e.g., O'Neill, 1996; Briggs, 1998). Working closely with a Hopi collaborator, Don Talayesva, psychologist Leo Simmons (1942) produced a landmark life-history, with a strong psychoanalytic inflection. Clyde Kluckhohn's (1944) cogent study of Navajo witchcraft also drew upon psychoanalytic theory, and Alexander and Dorothea Leighton's Navajo life-histories (e.g., 1949) were also psychologically motivated. Irving Hallowell (e.g., 1967) developed related lines of inquiry at mid-century into Ojibwe ontology, epistemology, cosmology, and subjectivity, that were notably informed by philosophy and psychology, heralding a trend that has only begun to reach ethnography of other world areas since the early 1980s.

At the same time that Boasian relativism and culture-and-personality were organizing ethnographic inquiry, British structural-functionalism was also making an impact upon the study of Native Americans. In 1931 A. R. Radcliffe-Brown arrived to teach at the University of Chicago. Radcliffe-Brown's student Fred Eggan (e.g., 1937), through his own work and through his influence upon that of his students, broadly disseminated structural-functionalist theory into Native American ethnography, and incorporated it directly into his influential study of the Western Pueblo social organization (1950), the most successful comparativist treatment of related cultures on the basis of varying social structural forms to that point. Specific foci on institutional concentrations, like E. Adamson Hoebel's upon law and politics in Cheyenne and Comanche (Hoebel, 1940; Llewellyn and Hoebel, 1941) societies, drew upon the structural-functionalist paradigm.

ACTIVISM AND APPLIED ANTHROPOLOGY

Boasian-era ethnographers, while acutely aware of vanishing cultures, were mostly not strongly directed toward activist efforts to defend native cultures or social interests. The drastic effects of the Dawes Severalty (Allotment) Act and government efforts to stamp out native culture in the Indian schools and via its support of missions, as well as such policies as the Code of Indian Offences (that banned native ceremonies offending white sensibilities), were mostly uncontested by academic anthropologists as policy issues. In some specific cases, protest by ethnographers was effective (as in the instance of H. R. Voth, A. M. Stephen, James Mooney, and Powell, who successfully petitioned to stop allotment at Hopi), and Boas's pronounced anti-racism was broadly influential. But there is clearly an ethical ambiguity in celebrating indigenous cultures through ethnographically recording them – and there is genuinely that sense of awed admiration for the beauty in native aesthetics (e.g., Benedict, 1934) and for the complexity of native philosophies (e.g., Radin, 1945; Walker, 1991) – while those cultures were being systematically dismantled by strenuous assimilationist practices. As “resistance,” ethnographic practice can at most be considered passive. But the disposition of representative ethnographers may be more instructive in this regard.

The evident passion which many ethnographers brought to the study of Native American cultures – by no means always manifest in their ethnographic texts – marked the liminal, even ritual, quality of the experience. A number of important non-native ethnographers engaged so personally and deeply with native people and their cultural lives – as privileged outsiders – that the practice of ethnography itself became something of a conversion experience (for example, Frank Cushing with the Zuni, A. M. Stephen among the Hopi and Navajo [e.g., 1936], Kroeber with the Yurok, James Walker among the Oglala Sioux [1917, 1991], Pliny Earle Goddard especially with the Hoopa [1903], Elsie Clews Parsons among the Pueblos [numerous publications], Paul Radin with the Winnebago [e.g., 1926, 1945], Gladys Reichard with the Navajo [e.g., 1934, 1939], or Ruth Bunzel at Zuni). Boas's engagement with Kwakwaka'wakw people and cultural practices, especially aesthetic – elevating them from ethnology into “Art,” that elite sphere of Western value – and his long-term relationship with George Hunt, mark a humanist approach partly responsible for his rejection of the blunt generalities of social evolutionism. Similarly, Frank Speck's involvement with northeastern Algonkians led to a personal disengagement from the Western mores of his time, and a seeming psychological inhabiting of Algonkian values (as reported by Hallowell, 1967). For those of native descent – like Francis La Flesche, J. N. B. Hewitt, William Jones, Arthur C. Parker, Gladys Tantaquidgeon (e.g., 1942), Ella Deloria, Lucy Thompson (1916), Luther Standing Bear (1928), John Stands In Timber (Stands In Timber and Liberty, 1967) – formal or popular ethnographic writing was typically motivated by the desire to inform the world of their cultures, again revealing ethnography as interstitial, a channel of cosmopolitan thought stereotypes.

Until the 1930s, activism on behalf of Native interests came from voluntary organizations, like the indigenous Society of American Indians (1911–1920s, the predecessor to the National Congress of American Indians founded in 1944) and the American Indian Defense Association, founded in the 1920s. The latter organization's secretary, John Collier (influenced by Mabel Dodge Luhan's circle of Taos writers and artists, and to some extent too by anthropologist Elsie Clews Parsons), led a movement to protect Pueblo land-rights. Indian rights advocates became increasingly critical of government policies. Such criticism led to a formal survey of reservation life and the Office of Indian Affairs (e.g., Berkhofer, 1978: 180), eventuating in the Meriam Report (1928) that painted a dire picture and recommended extensive reforms. When Franklin Delano Roosevelt became President in 1933, he appointed Collier his Commissioner of Indian Affairs, and Collier's “Indian New Deal” sought to implement many of the Meriam Report's recommendations (e.g., Kelly, 1983). An involvement of anthropologists with government ensued, more fully than ever before or since.

Central to the Indian New Deal, the ensuing Indian Reorganization Act of 1934 was intended by its advocates to give native people more control over their own social situation: it proved very controversial on some reservations, where instead of empowering new tribal councils (see chapter 12), it disempowered functioning traditional leadership. Anthropologists working for Collier's Indian Office included Oliver Lafarge, Gordon MacGregor, and Scudder Mekeel, and subsequently Flathead anthropologist and author D'Arcy McNickle. They attempted to marry policy goals with relativist readings of local cultural mores. Applied anthropology really developed

in this period (Tax, 1945; see chapter 24), and the large-scale projects to assess Indian psychological adjustment, run by Laura Thompson (who subsequently married Collier), marked this change. But all was unfortunately not rosy in this more engaged ethnography. The Indian Personality project tended to ignore the material constraints government had imposed on Indian lives; so that, for example, contemporary Hopi problems were attributed to thematic contradictions in Hopi child-rearing, ignoring the fact that Collier's administration was even then destroying the livelihood of many Hopi and Navajo in the stock-reduction program of the late 1930s and early 1940s (believed necessary by soil erosion on the reservations).

ACCULTURATION STUDIES AND FURTHER POLICY CHANGES

Whether motivated by policy needs or by specific theoretical interest, by the 1930s, Native American ethnography had begun an inexorable shift from holistic inquiry, of the Boasian sort, toward "problem-oriented" research. Robert Redfield et al.'s "Memorandum for the Study of Acculturation" (1936), and a similar re-assertion in 1954 by the Social Science Research Council, influenced ethnographic research particularly toward an acculturation problematic. Ralph Linton's volume (1940) inaugurated studies of acculturation processes in several native societies, and post-World War II studies, like John Adair's (Adair and Vogt, 1949) of Navajo and Zuni veterans, and Edward Spicer's anthology on *American Indian Culture Change* (1961), are further examples.

After Collier's departure as Commissioner in 1945, the pendulum of Indian policy swung again, and in 1946, Congress passed the Indian Claims Commission Act, and in 1953 the Termination Act. The Commission heard numerous tribal claims in the 1950s–1970s period (and some, like Zuni and Isleta, persisted into the 1980s and 2000s, respectively) to recompense Indians for uncompensated takings of aboriginal lands. But with rare exceptions, the act did not restore any lands to native hands, and in that regard, the Commission's awards were designed to extinguish any remaining claims against the federal government. It was a short step from there to the Termination Act, which sought to end the special status of Native Americans in U.S. society by disestablishing reservations and the government-to-government relations that had been a guiding standard since the close of the Revolutionary War; some twelve tribes (the Menominee are the best-known example) were terminated under the Act, though in the 1970s, several (including the Menominee) were restored to federal status (Churchill and Morris, 1992: 15; see chapter 12).

The Indian claims cases generated an enormous amount of historically oriented ethnography, combining documentary with oral history, and effectively founding the field of ethnohistory (see chapter 16). Ethnographers and historians were hired by tribal lawyers and their government opponents to investigate aboriginal lands and land use prior to U.S. control (which varied in time; the key period, for example, for Eastern Indians was the decade following the Revolutionary War and the signing of the constitution, while for California and Southwestern Indians it was the 1848 Treaty of Guadalupe Hidalgo). Many claims reports were published and form a major addition to the ethnographic record (see Garland Publishing's [1974] *American Indian Ethnohistory* series, especially, for an excellent example, Baschart, 1974).

While most ethnographers were working directly for the interests of the tribes, the originating context in government legislation – echoing again Jefferson’s triangulation of policy and research – is clear.

After World War II, younger anthropologists mostly turned away from Native American studies toward other global areas. While there were clearly also other causes for this disciplinary shift, it interestingly coincides with government legislation portending the supposed end of Indian tribes. Ethnographers who continued to study native cultures now turned increasingly to acculturation studies (e.g., Aberle, 1966; Rohner, 1967) and auto/biographies addressing individual experiences (e.g., Lurie, 1961), thus departing from the salvage paradigm, and examining processes of change. Experimental refinements in ethnographic techniques included a moment-by-moment record of a day in the life of a Zuni household (Roberts, 1956). The upsurge in policy involvement of anthropology from the 1930s had also produced a new generation of native scholars – like D’Arcy McNickle, Edward Dozier (Tewa), and later Beatrice Medicine (Lakota).

REVITALIZATION, RESISTANCE, AND RETHINKING

The national conservatism of the 1950s and the “Termination era” of Indian policy was controverted by the liberalism and cultural changes of the 1960s and 1970s. Traditional native cultures became a popular American interest again, coinciding with both the Civil Rights movement (including the emergence of the National Indian Youth Council, the American Indian Movement, and the passage of the Indian Civil Rights Act in 1968, which, in part, reversed the intent of the Termination Act), and the counterculture, with its dabbling into non-Western religions. These trends had several effects on Native American societies, including a resurgence of some cultural forms, for example the Sun Dance in the Plains (e.g., Amiotte, 1987; Jorgensen, 1972) and the potlatch on the Northwest Coast (banned until 1951 by the Canadian government). Ethnography shifted too, away from acculturation toward studies of cultural persistence (e.g., Levine and Lurie, 1968), social resistance (e.g., Hymes, 1972; Steiner, 1972; Clemmer, 1978, 1995), political-economy and other materialist approaches to social structure and social change (e.g., Nagata, 1970; Jorgensen, 1972; Biolsi, 1992; Sider, 1993), and network analysis (e.g., Lamphere, 1977). New activist journals emerged (like *Akwesasne Notes*, *Cultural Survival Quarterly*, *Survival International Bulletin*), connecting ethnography with a movement for social justice for native peoples. These new approaches and resources often focused on maltreatment of indigenous peoples and lands by governments and industry. Hugh Brody’s work in the Arctic and Subarctic (e.g., 1982, 1987) has produced some of the most effective activist critique, combining grounded ethnography with political analysis. Anastasia Shkilnyk’s (1985) work on forced relocation and mercury poisoning of the Grassy Narrows Ojibwe of is a similarly engaged ethnography that cries out for policy changes. This paradigm has continued to grow since the 1980s, and intersects with interests in the burgeoning fields of Native American law and Native studies, and critical race studies (e.g., Jaimes, 1992; Biolsi and Zimmerman, 1997; Biolsi, 2001). Congressional legislation, and litigation (e.g., between Hopi and Navajo; on fishing rights in Washington and Oregon; over land loss and despoliation

at Zuni; over reservation rights at Hoopa Valley; or by Six Nations peoples over illegal treaties in upstate New York) has generated a good deal of ethnographic reportage. Tribes have formed their own Cultural Resources offices, promoting ethnographic research for internal heritage uses, to preserve languages, or to provide evidence for litigation. Controversies over native rights issues from one perspective or another have all generated significant ethnographic or para-ethnographic discourse: examples include the Navajo-Hopi Land Settlement Act, mandating Navajo and some Hopi relocation, the case of the Black Hills and native treaty rights, the *Lyng vs. Northwest Cemeteries* case, involving a road across a Yurok sacred site in Northern California, the Mount Graham telescope on an Apache sacred peak, the question of nuclear waste storage on the Goshute and Mescalero Apache reservations, and the fight over Makah whaling rights (see chapter 1).

SYMBOLIC ANTHROPOLOGY AND CULTURAL ECOLOGY

As for the 1960s counterculture, the neo-noble savage (see, e.g., Vizenor, 1994) was now recast as the object of a religious quest, rather ironically in view of more than a century of official efforts to stamp out aboriginal culture. *Black Elk Speaks* (Neihardt, 1932) – an account of the personal history and visions of an Oglala medicine man – was rediscovered, and became a countercultural bible; autobiographies of native medicine men, like the Oglala John Fire Lamé Deer (Fire/Lamé Deer and Erdoes, 1972), became popular, and hippies descended in droves upon reservations seeking an imagined simplicity, alterity, and natural man: a neo-Rousseauian move in which the “Native” was, yet again, not a fully equal human being with whom to engage in dialogue but a projection from a European/Euro-American imaginary (the same persists into the present, especially with the New Age movement). What proved to be fictional (but were not treated as such when first published) narrative ethnographies by Carlos Castañeda (e.g., 1968, 1971) of a Yaqui sorcerer’s way of knowledge were hugely popular on campus, marking a reimagined Indian by a new generation of myth-makers (like Joseph Campbell and Jamake Highwater), that coincided with a massive upsurge of interest in anthropology. This ushered in a turn in anthropological studies toward ritual and symbolism, on the one hand, and cultural ecology, on the other.

Symbolic anthropology produced an ethnographic reconsideration of native religious narratives and ritual practices (largely ignored since the rise of structural-functionalism in the 1930s as merely figurative expressions of social structural principles). Cultural ecology (and some related variations, like “ethnoscience,” a linguistically based approach to indigenous natural classification) examined how non-industrial polities were adapted to the natural environment. The former approach was more “idealist,” the latter more “materialist,” but both drew upon disaffection with the world system, the Vietnam War, racial inequalities, and corporate capitalist excess. Both involved a more or less romantic pastoralism, projecting native societies as a naturistic alternative to the dominant mode. At the same time, both did lead to a renewed respect for persistent native cultural ideas and practices, and by extension, the study of these (see chapter 7). Experimental approaches appeared: like John Adair’s attempt to translate Navajo phenomenology via film

(Worth and Adair, 1972) or Vincent Crapanzano's (1972) stark, Pinteresque biography of a Navajo man. Older accounts of indigenous philosophy were republished or rediscovered (e.g., Tedlock and Tedlock, 1972; Radin, 1956), and new inquiries into shamanism, cosmology, and spirituality (Capps, 1976; Witherspoon, 1977; Hultkrantz, 1983; Ridington, 1988; Gill, 1982; W. Powers, 1977, 1982, 1986) produced something of a renaissance in Native American ethnography that, with the momentum and interest in native civil rights, led directly into the flourishing of Native American Studies as an independent discipline. Native Studies established new journals (like the *American Indian Quarterly*, and the *American Indian Culture and Research Journal*) and conceived of its field in a more interdisciplinary fashion (particularly with history, literature, and law) than anthropology's ethnography. The rise of new native and mixed-blood authors (e.g., N. Scott Momaday [Kiowa], Leslie Marmon Silko [Laguna], James Welch [Blackfoot], Louise Erdrich [Ojibwe], Louis Owens [Choctaw], Sherman Alexie [Spokane]) writing in a consciously culturalist mode has produced a new fictional genre with clear (auto-)ethnographic implications (cf. Krupat, 1996). Native film-makers, like Victor Masayeva, Jr. (Hopi: e.g., 1992), have critically refocused the ethnographic gaze of older documentary styles into more socially and/or aesthetically charged narratives. Some non-native film-makers also, like Sarah Elder, with her Yup'ik series for the University of Alaska, have introduced a contemporary aesthetic realism into ethnographic documentary, that displaces the romanticized Nanook genre, or the dry, scientific "Natives-in-their-habitat" style popular in the 1950s (see chapter 26).

Ritual studies were also pushed along in the 1960s by the structuralism of Claude Lévi-Strauss in France, and the linked symbolic approaches of Victor Turner and Mary Douglas. Lévi-Strauss's brilliant, if controversial, analyses of Native North American myths, ideas, and practices (e.g., 1968, 1982, 1995), from Northwest Coast masks, and Plateau mythology, to settlement patterns and conceptual schemes of social organization, were broadly influential. Perhaps the most remarkable – and successful – mixing of structuralist and ritual-studies approaches was produced by Tewa anthropologist Alfonso Ortiz (1969), in his cogent study of Tewa cosmology, ontology, and social structure. Ortiz represented the virtual apotheosis of the principle of conjuncture and synthesis that Liberty (1976, 1978) identifies for Francis La Flesche and other native ethnographers' role in anthropology. Raised in poverty and circumscription at San Juan Pueblo, Ortiz grew to be an influential theorist, teacher, and advocate for Native American rights in the 1970s. Combining an insider's cultural knowledge and access to a traditional native society with a sophisticated mastery of high theory in anthropology (notably Clifford Geertz's interpretivism, along with structuralism and symbolic anthropology), Ortiz's engagement bore out the pluralist promise of ethnography. Other structuralist and symbolic interpretations notably include those of Irving Goldman (1975) and Stanley Walens (1981) on Kwakwa'kwakw sociology and cosmology.

The florescence of new approaches notwithstanding, social evolutionism was not dead, and its more or less Marxist reworking in a "cultural ecology" paradigm relocated indigenous cultures on a neo-Morganian scale – but with a materialist emphasis on the causes of sociocultural form only, and without the combination of racial hierarchy, progress, and moral judgment that characterized 19th century thought (Berkhofer, 1978). Peter Farb's *Man's Rise to Civilization* (1968) projected

this scalar model (whose proximate precedent was the variously utilitarian reason of Julian Steward [e.g., 1955] and Leslie White [e.g., 1959]) onto a series of supposed native exemplars, with Shoshone hunter-gatherers at the bottom and the imperial Aztec at the top. Farb's broadly popular book was much taught in beginning anthropology classes, and an object of particular derision in Lakota scholar Vine Deloria Jr.'s critique of anthropology (1969). Cultural ecology also brought a new emphasis on specific contours of social adaptation to the natural environment, resulting in several fine-grained studies of native natural history and senses of the landscape (e.g., Nelson, 1973, 1983; Tanner, 1979; Ridington, 1988; Kari and Fall, 1987; studies by the Alaska Native Language Center; Hunn, 1990). Keith Basso's interpretations of Western Apache landscape and place metaphors (1996) stand out for their sophistication, especially concerning the evocation of Apache discourse and philosophical thought. Revisiting some of Frank Speck's earlier inquiries, Robert Brightman's (1993) work on Cree philosophy and psychology combines ecological with religious perspectives for a remarkable synthesis. Interpretations of Native American ecological sensibilities have split across the idealist-materialist divide (e.g., Vecsey and Venables, 1980). Calvin Martin (1999) draws out some genuine features of native concepts of and relations with the natural world, but is ultimately rather Rousseauian: the Noble Savage as ecologist. The antithesis, Shepard Krech's *The Ecological Indian* (1999), is decidedly more realist, but firmly on the behaviorist side of the ledger, with little culturalist sympathy for native conceptions of the sort brought out by such ethnographers as Nelson and others cited above (see chapter 1).

NARRATIVE, DIALOGUE, AND THE LITERARY IMAGINATION

Keith Basso's work represents another florescence in Native American ethnography, namely one attuned to native texts, and their semantic and sociolinguistic contexts. Basso's own works on Apache metaphor (e.g., 1979, 1990), Dennis Tedlock's on the interpretation of Zuni narratives (1983, 1999), and Donald Bahr's collaborative ethnographies of Piman shamanism (Bahr et al., 1974), O'odham oral traditions (Bahr et al., 1994) and poetry (Bahr et al., 1997) serve as exemplars in this field (see also Hymes, 1981; Kroeber, 1997). A new emphasis on "dialogical ethnography," and on plurally authored texts, gained ground in anthropology more broadly. Bahr's work instantiates this desire to move away from the authoritative voice of a single (white) ethnographer to the more cosmopolitan authorial space. There are complexities with this aim, of course, and the extent of dialogical consensualism (or whether the native has served as the non-native anthropologist's "ventriloquist's dummy," as some critics have charged) has been debated. In a similar vein, (non-anthropological) linguist Ekkehart Malotki (e.g., 1978, 1984, 1993), with some Hopi collaboration, has published a series of collections of bilingual Hopi narratives, which contain some significant insights into Hopi cultural and narrative values. Comparative religion scholar Armin Geertz's several important ethnographic works on Hopi religion (e.g., Geertz and Lomatuway'ma, 1987; Geertz, 1994) draw strongly upon collaborative work and an emphasis on Hopi textualization. Nora and Richard Dauenhauer (1987, 1990, 1994) have assembled a great range of Tlingit

oral narratives, providing a vital record of Tlingit cultural perspectives and narrative interests.

The emphasis upon texts has led further to a rethinking of the problematics (both poetic and political) of translating oral narratives. Native linguists engaged in such questions include Ofelia Zepeda (1995) and Nora Marks Dauenhauer (e.g., Dauenhauer and Dauenhauer, 1987). A new interdisciplinary discourse between literature and anthropological ethnography has emerged. Arnold Krupat (e.g., Swann and Krupat, 1987; Krupat, 1996, 2002), Greg Sarris (1993), Paula Gunn Allen (1998), Elizabeth Cook-Lynn (1996, 2001), Gerald Vizenor (e.g., 1992, 1998; Vizenor and Lee, 1999), and Philip Deloria (1998), among others, have all contributed to the rethinking of native representations in this process. As non-native poets and literary scholars have entered the ethnographic domain (echoing a phase in the 1820s when the research of Schoolcraft and others became a model for literary representations, like Longfellow's *Hiawatha* [Hallowell, 1976]), there have been mixed results. Perhaps none is more promising and ethnographically evocative than the extraordinary translations of Tikigaq shamanic and other narratives mediated by poet-ethnographer Tom Lowenstein (1992, 1993).

Critiques of anthropology, notably that of Vine Deloria Jr. (1969), also had an impact on the conduct of ethnographic research and writing. As noted, since World War II major anthropology departments had encouraged their graduate students to undertake ethnographic research overseas, and the prejudice that American Indians had lost their culture, been over-studied, or were otherwise no longer a worthy object of study had become entrenched. Combined with the hostility expressed by Deloria and others to the anthropological project, these attitudes began to marginalize North Americanist ethnography in the discipline (e.g., Biolsi and Zimmerman, 1997), and made serious research rather difficult: ethnographers were now sometimes spurned in native communities, and by the anthropological community as well. The complexities for native ethnographers in this atmosphere were magnified still farther (e.g., *Medicine*, 2001: 289–90). But there were constructive effects too.

FEMINIST AND GENDER STUDIES

Deloria's and other anti-colonial critiques (e.g., Asad, 1973) occurred simultaneously with an upsurge of perceived anthropological guilt that its past involved an intellectual complicity with ethnocide. Attempts to "reinvent" anthropology more ethically, more interculturally, date to this period (Hymes, 1972). "Culture" as holistic category, to be represented in a timeless ethnographic present, fell apart as a unifying disciplinary concept, especially with post-structuralist and postmodernist critiques of "essentialism" and "reification." Other critical currents affected Americanist ethnography – notably, feminism, which focused significant attention on native women's lives (e.g., M. Powers, 1986; Perdue, 2001; Albers and *Medicine*, 1983; Albers, 1989; Kidwell, 1979; Green, 1992; *Medicine*, 2001): in some instances, this was disinterested, in others it was consciously motivated by the desire to use native gender structures and values to critique Western patriarchy, revisiting the pattern in Eurocentric use of Noble Savages to critique Western structures since the 16th century. Perhaps most ethnographic and ethnohistoric attention was focused on Iroquois

women's social power, recuperating Frederick Engels' (1884) use of Morgan's ethnography to identify a matriarchate, associated with matrilineal kinship, matrilineal residence, and female control of male political representatives, and of immoveable and moveable property (e.g., Albers, 1989). The path feminism opened for studies of gender and sexuality also led to new ethnographic considerations in native societies particularly of "two-spirit" people, individuals of mixed or transforming gender categories (e.g., Whitehead, 1981; Callender and Kochem, 1983; Medicine, 1983; Blackwood, 1984; Williams, 1986; Roscoe, 1998; Jacobs, Thomas, and Lang, 1997).

HISTORICAL ANTHROPOLOGY

A tradition of native culture-histories had been quietly built over a long period, and Angie Debo's works (e.g., 1940) on the Five Civilized Tribes anticipate later ethno-historic concerns. As noted, ethnohistoric research on native societies was fostered by the Indian Claims Commission cases. In the late 1960s a "New Indian History" emerged, taking an approach that sought to counter triumphalist colonial historiography of the Frederick Jackson Turner "Frontier Thesis" approach (e.g., Turner, 1937). Other historically inflected approaches include most notably Anthony F. C. Wallace's (1969) account of Seneca culture through the historical transformations of the 18th century, and the rise of the Handsome Lake religion thereafter; a mixture of social and psychological historiography with ethnographic interpretation, Wallace's work develops a substantive theory of native cultural revitalization movements. This work presages the broader turn toward history from anthropology that began in the late 1970s. New theorized inquiries into native histories and identities became a part of ethnography itself, and these trends merged with ethnohistory. Examples of this work include Karen Blu's inquiry into Lumbee identity (1980), William Fenton on Iroquois political history (e.g., 1998), Loretta Fowler on Arapaho (1982) and Gros Ventre (1987) cultural transformations, William Simmons recuperating traces of native identity in New England through folk narratives (1986), Peter Powell on Cheyenne history (1979), Morris Foster on Comanche social history (1991), Patricia Galloway's inquiry into Choctaw ethnogenesis (1995), my own work on Hopi cultural history (e.g., 1988), Thomas Biolsi's research on 20th-century Lakota history (1992), Sergei Kan (1989) on the 19th-century Tlingit potlatch, Tsianina Lomawaima's oral history study of the construction of assimilation at the Chilocco Indian School (1994), and James Collins on Tolowa counter-hegemonies (1998).

POSTMODERNISM, POST-STRUCTURALISM, AND OTHER EXPERIMENTS

Postmodernism and other experimental modes of textualization have also appeared in Native American ethnography since the late 1980s. A focus on subjectivity, personhood, and personal narrative extended earlier life-history and biographical approaches (e.g., Krupat, 1994; Hittman, 1996; Blackman, 1992; Cruikshank, 1990). Questions of body and personal identity influenced by a Foucauldian problematic (that has

swept through anthropological theory more broadly) are especially well represented in Maureen Trudelle Schwarz's (1997) work on Navajo female identity. Barbara Tedlock's (1992) subjectivist narrative ethnography of fieldwork at Zuni in the 1970s reflexively queries her own presence and interests within an ethnographic pastiche. Ann Fienup-Riordan's *Eskimo Essays* (1990) deconstructs an Eskimo image within a multifaceted questioning of the meanings of Eskimo identity. James Clifford's periodic forays into Native American ethnographic questions (e.g., 1988, 1997) have had some influence more broadly in Cultural Studies, especially upon questions of museum representations of native cultures and on native ethnic identity. But specialists with long-term expertise in the field remain somewhat skeptical of new entrants from the humanities or Cultural Studies who, charging forward with the free play of signification under the flag of interdisciplinarity or postmodern pastiche, spend insufficient time immersing themselves in the sedimented problematics of native ethnography (cf. Turner, 1993). An exception in this regard, Anishinaabe author and theorist Gerald Vizenor probably looms largest in postmodern (or "post-indian" in his terms) ethnography. Vizenor's tricksteresque approach plays philosophically with modes and manners of representing Native American cultures and identities (e.g., 1989, 1994, 1998).

POSTCOLONIALISM

Legislation in the late 20th century, notably the American Indian Religious Freedom Act (1978) and the Native American Graves Protection and Repatriation Act (NAGPRA; 1990) (see chapters 20, 24, 27), have significantly affected questions of native sovereignty, and refocused questions of colonial history. Insofar as this has impacted directly on ethnography, NAGPRA in particular called museums into account for the sometimes dubious history of early collecting of material culture as well as of human remains. Some tribes, like the Hopi, sought to use NAGPRA to assert control over ethnographic records as intellectual property, concerned especially that esoteric ritual knowledge should not circulate as it had in the ethnographic writings of the past. Native Studies has launched some explicitly postcolonial approaches sharply critical of older orthodox scholarship or of the historical and political-economic effects of colonialism (e.g., Warrior, 1994; Churchill, 1996; Jaimes, 1992; LaDuke, 1999).

The appearance of the gaming industry in Indian Country has also profoundly transformed native sovereignty and autonomy in some reservation economies. This too has had broader social and ethnographic effects. Some tribal museums had been in place for decades, but with casino wealth, tribes have developed a focus on cultural heritage and museology to an unprecedented extent, reframing ethnographic representation of their cultures. Further, an anti-gambling backlash, partly motivated by economic envy, has produced "counter ethnographies" (e.g., J. Benedict, 2000 on the Pequot) and charges of specious Indian identification, of the sort first associated with James Clifton's honest but somewhat insensitive inquiry into what he regarded as a spurious reconstruction of native identities (1990). Ongoing debates (e.g., in the newspaper *Indian Country Today*) about issues of native identity remain central in the contemporary landscape of ongoing "post-indian" negotiations with national hegemony.

THE *HANDBOOK OF NORTH AMERICAN INDIANS*

Over the same period, beginning in the 1970s, that a welter of new ethnographic paradigms began to appear, the Smithsonian Institution, following up the historic mission of the BAE, has been gradually publishing its 20-volume updated *Handbook of North American Indians*. This magnum opus is steadily emerging as the synoptic *sine qua non* of Native American ethnography. Organized both areally and thematically, the sheer comprehensiveness of its approach on individual peoples, societies, and histories, marks a new plateau in the history of native ethnography.

CONCLUSION

I have argued that the ethnographic project was born in the situation of cultural conjuncture and difference that emerged from 1492. But if ethnography was the child of colonialism, I have also argued that, in the long run, Native American ethnography has been – by no means always consciously – a principal means of subverting the premises of colonial reason rather than one of its tools. Despite its multiple problems – discursive, ethical, and interpretive – ethnography has been the most powerful contributor to intercultural knowledge and important philosophical complication the world has ever seen. Ethnography has been an important vehicle to preserve a record of indigenous voices, languages, cultural ideas and practices, and social histories – a primary source for recuperation of past forms that are otherwise simply unavailable, to Native people or others. Contemporary revitalization of native rituals and beliefs has often depended on the published canon of ethnography (e.g., Medicine, 2001: 328). Insofar as latter 20th-century anthropologists in North America, especially, were actively engaged in research of direct relevance to native history (for example in the Indian Claims cases), the knowledge produced from ethnographic records has been a critical tool in aiding or securing native rights. For those who would listen, ethnography as a vehicle for the translation and transmission of serious cultural knowledge has greatly deepened understanding of what it means to be a human being. In that its insights have centrally depended upon the particular conjuncture of differences among Native Americans and non-natives, ethnography has been a major channel through which natives have most powerfully and lastingly contributed to a common universe of discourse. In her recent retrospective look over her life in anthropology, Lakota scholar Beatrice Medicine remarks:

To me the most important aspect of applied work is the delineation of social forces that impinge upon indigenous societies and the ways that these affect each distinctive group. Social change, and how it is understood and acted upon by Native Americans, is the crux of anthropological understanding. It is through the role of cultural broker that the lack of insight and understanding of a more powerful social order may be mediated. (Medicine, 2001: 14)

This mediation of hegemonic power and estrangement by ethnographic discourse as cultural broker characterizes the constant figure of ethnography's promise. Ever since the Columbian encounter, and the vagaries of an often tragic and genocidal history,

the need for discursive mediation against mindless prejudice has been continuous. The ethnography of Native America – from Las Casas’s time forward – has gradually developed that mediatory discourse, amid the vexing tides of intercultural misunderstanding and conflict that mark too much of human history.

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CHAPTER 24 Beyond “Applied” Anthropology

Les W. Field

INTRODUCTION

Comprehensive and partly comprehensive histories of applied anthropology have been written by a number of scholars who are knowledgeable, experienced, and accomplished in that many-faceted sub-field (cf. Bennett, 1996; Bastide, 1971; Van Willigen, 1986). This chapter attempts a much more modest undertaking. I am concerned with applied anthropology only as it has to do with Native Americans and Indian Country in the United States, but do not pretend to give a comprehensive review of even this part of applied anthropology’s history. I discuss applied anthropology’s history in Indian Country in order to set up a framework for discussing contemporary applications of anthropology in Indian Country. These latter discussions, the point of this chapter, are not a complete review of such efforts either, but descriptions that illustrate the promise and potential of the application of anthropology in the interests of Indian people. In short, this chapter offers a perspective distinct from the general reviews of applied anthropology, and focuses on a specific transformation: *from applied anthropology in Indian Country to applications of anthropological tools in Indian Country to accomplish tribal goals.*

I will argue that applied anthropology, as it was originally conceived and practiced in Indian Country, is for the most part no longer possible, and that a shift in disciplinary perspective is required to understand that change. The main attempt from within the discipline itself to supersede and remedy the deep problems inhering in applied anthropology, an attempt Sol Tax called “action anthropology,” is also no longer possible, but its history, as Foley (1995, 1999) suggests, is instructive and informs what has occurred subsequently. But the demise of action anthropology did not mean that applications of anthropology have become either unimportant to or absent from Indian Country. Far from it, as will become clear.

This chapter does not, in the main, provide an analysis of applied anthropology in American Indian communities from the standpoint of anthropology and anthropologists. While anthropologists’ recountings of applied anthropology’s history seek to

identify the successes (and failures) of various projects within the context of the (intellectual, political, and ethical) "progress" of anthropology and social science, this chapter does not treat anthropology as a form of scientific objectivism which has "progressed" (or, perhaps ironically in writing about Native American issues, "evolved") and become better or more "advanced" at describing or doing anything in particular. Rejecting the conventional progressivist narrative mode of discussing and analyzing the history of applied anthropology in Indian Country and elsewhere, however, gives few if any guidelines for an alternative discussion, or a discussion of alternatives. Indeed, there is no easily identified "Native American Applied Anthropology" to turn to for an alternative. The conventional discussion is predicated upon several anthropological assumptions and anxieties which are mostly irrelevant, as will become clear, to the application of anthropological tools in Indian Country for tribal goals. Anthropologists, especially those in the academy, worry about the distinction between academic and applied work, and much ink has been spilled in the argument over whether applied anthropology has contributed substantively to anthropological theory, or, by contrast, whether academic theory has any relevance to applied work. Moreover, anthropologists have been anxious to demarcate subdisciplinary boundaries, such as between archaeology and ethnology, or between ethnology and linguistics. And like all academics, anthropologists are also nervous about disciplinary boundaries, such as between anthropology and history, political science, economics, etc. These anxieties in the academy are not nearly so problematic in the context of applications of anthropology in Indian Country for tribal goals. This does not obscure the fact that there are now and have been native anthropologists (or native "fellow travelers" who find anthropology useful) in the academy who have conducted as serious and innovative academic work as any other anthropologist, without necessarily conducting that work strictly for its "applied" value. The careers of luminaries such as Edward Dozier and Alfonso Ortiz are illustrative in this regard, as Ortiz's own exegesis of his career documents (Ortiz, 1972).

In this chapter, I aim to understand *academic and applied anthropology as part of Native American history* (rather than Indians as objects of anthropology); for better and for worse. Without overemphasizing anthropology's role, the presence of the discipline, and its practitioners, in Indian Country has been an important, but unrecognized, factor in the history of Indian communities from the 19th century, through the 20th, and into the 21st. Both sorts of anthropology – applied and academic – have happened in and had real-life, if mostly unforeseen and unintended, historical effects upon Indian Country. These effects, I suggest, have helped make possible applications of anthropology quite different from those envisaged and attempted by those who see themselves formally as applied anthropologists. The structure of my argument will thus proceed in the following way. In the first and second sections, I will discuss the development of applied anthropology and its child, action anthropology, in Indian Country, arguing that these endeavors reached their limits at the same historical moment in which the movement for Indian rights in the United States demanded a transformed relationship with anthropology. That coincidence shaped new applications of anthropology in Indian Country directed by tribes and tribal scholars. In the following sections, I will review those new applications of anthropology as they have been manifested in three ways: repatriations of culturally significant artifacts and of tribal lands; the revival of indigenous languages; and

reclamations of identity and official status. Applications of anthropology toward such goals can vary depending upon whether they are conducted by and for federally acknowledged tribes, or by federally unrecognized tribes which are involved in the process of trying to achieve federal acknowledgment, although the differences in anthropological applications are not mutually exclusive.

As Polgar (1979) suggested in his treatment of the many forms of applied anthropology, this sub-discipline is intrinsically problematic insofar as non-native scholars have historically always controlled the goals, themes, and methods of applied projects, even when the anthropologists themselves have been politically progressive and pro-native (of course, there is a long American history of white “friends of the Indian” telling Indians what is “best” for them). This observation is relevant here as well, inasmuch as I am still the white anthropologist doing the analysis and writing this chapter! Obviously, I make no pretense that this article promotes *the* or even *a* native point of view; such a notion is not warranted here, both because of the diversity in Indian standpoints, and because my own situated standpoint complicates both my ability and my authority to represent native standpoints. This chapter’s perspective hinges upon the idea of *collaboration* between native communities, tribes, and scholars, on the one hand, and non-native scholars, on the other. Such collaboration accepts as premise that there never is a single native voice or perspective, but that sovereign Indian tribes using anthropological tools to pursue particular goals have created a very different environment for non-native anthropologists working in Indian Country. That environment necessitates scholarship that is not well described or conceptualized at present, even as “advocacy anthropology.” Advocacy connotes that the anthropologist takes the side of the Indians, and is willing to use anthropological tools in that endeavor, an understanding that probably oversimplifies the inescapable complexities involved. This chapter builds a portrayal of collaborative applications of anthropology which, I will argue, necessarily bring about a transformation of anthropologists’ theories and goals not only as allies of Indians, but also as anthropologists *per se*. As an anthropologist employed by federally unacknowledged tribes in coastal California to help assemble their recognition claims, and now as an anthropologist working on projects with recognized tribes (all of these activities “part-time”, as I also hold an academic position in a university anthropology department), I have explored collaborative scholarship with these tribes. Ultimately, I hope this selected and selective review can suggest ways that these new applications of anthropology positively contribute to important theoretical questions in the discipline, thus addressing one of the perennial anxieties about applied projects.

A BACKGROUND IN APPLIED AND ACTION ANTHROPOLOGY

Reviewing the development of various forms of applied anthropology in the United States, and to much less of an extent in Great Britain, John Bennett (1996) found a worrisome contradiction between central theoretical premises of academic anthropology and the application of anthropology to practical ends. That is, Bennett characterized anthropology in the academy as shaped by cultural relativism that demanded value-free analysis, while applied anthropologists’ work was necessarily not so value-free: “if to ‘apply anthropology’ means to translate cultural relativism

into conservation of local ways and adaptation – that is, to make sure that change is not overly punishing or that any indicated change has a beneficial effect – then applied anthropology is at root a value-oriented endeavor” (Bennett, 1996: S28). Such an assertion, and others like it – “practical anthropology in American anthropology lacks prestige in scholarly circles” (ibid.: S24) – assume and reinforce the widespread belief in anthropology departments across the United States that antagonisms between scholarly anthropological research and its theoretical positionings, on the one hand, and the practical application of anthropology, on the other, reflect a real historical separation between these facets of anthropological practice.

While Bennett’s analysis casts a net over a very wide sweep of anthropological history, Hinsley (1979, 1981) specifically focuses upon the development of North American anthropological endeavors in Indian Country. Hinsley’s work traces the development, under the leadership of John Wesley Powell, of the Smithsonian Institution’s Bureau of American Ethnology (BAE), the dominant force in anthropological research in Indian Country during the late 19th and early 20th centuries. Hinsley finds both the development of public policy and individualistic scholarship as intrinsic forces motivating the BAE, and he argues that a concern for practicality and utility suffused the development of all the sciences in the United States and at the Smithsonian. It was taken for granted, Hinsley writes, that anthropology would offer tools to advance the process of “civilizing” the Indians, as well as “the promise of moral utility for the anthropologist’s own culture” (1979: 17). Following the final military defeat of the Plains tribes, the annexation of the territories that compose the “lower 48” states, and the real end of frontiers and Euro-American constructions of antipodal territories to which Indians could be relocated, consigned, or banished, the mission of the BAE’s anthropologists was research to support “the reservation system . . . based on intelligent principles and full knowledge [of] the peoples” in question (ibid.: 19). The full-scale effort to assemble that knowledge and analyze it simultaneously for the sake of scholarship and public policy was well underway in the last two decades of the 19th century, all under the aegis of the federal government, the ultimate boss of the Smithsonian and the BAE. All of the major figures in the ethnology of North American Indians – from Boas, to Cushing, to Mooney – during this period and the first 30 years of the 20th century were associated with the BAE in a variety of ways.

It is therefore easy to recognize the guiding hand of the BAE’s scholarly and practical mission in the overall history of applied anthropology in Indian Country, notwithstanding the body of applied work that did not fall under the BAE rubric (see for example Hallowell, 1967). If I may generalize, however, from both anthropological and Indian historical perspectives, the intertwining of academic and applied work in Indian Country diverges from the antagonisms between the two Bennett and many others assume a priori. McNickle (1979) ably describes how the virtual (if sometimes unacknowledged and uncomfortable) alliance between academic and applied anthropologies was deployed with tremendous effects upon Indian Country by John Collier and the Indian Reorganization Act in the 1930s. Once again enlisting all the major anthropological figures in the North American academy who worked in Indian Country, the BIA under Collier undertook the massive task of researching the gamut of native political organization amongst the tribes in order to reorganize them wholesale. Scudder Mekeel, head of the BIA’s Applied Anthropology Unit (see Biolsi,

1997), embodied the renewed thrust to use the scientific methods of academic anthropology to plan and execute public policy on the reservation, as well as to “vitaliz[e] the stagnant bureaucracy” (McNickle, 1979: 60) of the BIA. One may very much argue with the frameworks employed and outcomes generated by these applied projects, but there is no doubt as to the profound effects they had upon the lives of generations of native people and the destinies of the tribes in the United States (see Nash, 1973).

This kind of applied anthropology remained prominent in Indian Country after World War II, and retained high-profile legitimacy into the 1960s, as enunciated in the pages of the professional journal of applied anthropology, *Human Organization* (see Task Force on Indian Affairs, 1962). The most important challenge to this officialized kind of applied work (and the academic anthropology to which it was wed) from inside the ranks of the discipline materialized in Sol Tax’s action anthropology. Tax proposed an application of anthropology as a clinical method to help disadvantaged, exploited, and oppressed communities – the very loci of traditional anthropological research around the world – identify and solve their problems. The communities, Tax argued, would act autonomously, while the anthropologist acted only as a catalyst. The nature of his challenge and the legacy of action anthropology are still debated (cf. Hinshaw, ed., 1979). It is clear, however, that Tax abjured the historical relationship between national governments, and their mandated projects and goals (such as *colonial* government), and applied anthropology, while at the same time he accepted the legitimacy of applied anthropology as a matter of humane interventions in communities under anthropological study. Unsurprisingly, given the history of North American applied anthropology, by far the most important action anthropology project was carried out between 1948 and 1959 in Indian Country by Tax and a series of graduate student teams from the University of Chicago. As Rubinstein (1986) argues, Tax’s rejection of state-sponsored applied anthropology in the U.S. and elsewhere implied that the idea of neutral, objective, positivistic social science was equally untenable in either academic or applied work, anticipating later critiques of anthropology’s historical relationship with colonialism, and its epistemological collaboration with modernism. Polgar (1979) and Ablon (1979) are also vocal advocates of retrospectives that emphasize radical ruptures between Tax’s action anthropology, on the one hand, and both applied and academic anthropology before Tax, on the other. Bennett (1996) is more reserved in his evaluation of Tax’s action approach, and Foley (1995, 1999) is much less certain that action anthropology represented a radical rupture with past practices. Polgar’s defense of action anthropology, and Rubinstein’s inquiry into why action anthropologists did not do more than they did, both focus exclusively upon anthropology and anthropologists, which Foley does not. Foley’s critique is, more than the others, explicitly focused upon the main locus of action anthropological research – the Meskwaki Indian settlement located near Tama, Iowa – and his own extended fieldwork there.

While Bennett (1996: S35) states that Tax initiated what became known as “the Fox Project” (the Meskwaki were still known as the Fox Indians at that time) at the request of the University of Chicago’s Anthropology Department, Lurie (1973: 4) asserts that the Meskwaki asked Tax for “some help with community problems from the anthropological field school they had already agreed could work on their

reservation." The difference between these two versions of the project's beginnings is substantive, since it shapes any conclusions about just how different the Fox Project was from standard applied anthropology at the time. Lurie stakes out a position that the Fox Project was profoundly a collaborative enterprise between the anthropologists and the Meskwaki, in which the anthropologists operated as catalysts to a process of "definition of problems and decisions to implement solutions . . . honestly left up to the people whose lives [would] be affected" (ibid.: 6). Bennett recognizes that the enterprise was imbued with paternalism, and did not develop simply in response to Meskwaki perceptions and goals. Yet Bennett's perspective is colored by his own inability to acknowledge the agency of anthropology's research subjects: "[L]etting the subjects rather than the bureaus control the problems being researched usually doesn't work very well in practice because the subjects would frequently just as soon stay the way they are, in which case the practitioner [i.e. anthropologist] has to accept the further responsibility of telling them what he thinks is good for them" (Bennett, 1996: S33).

Foley's position postulates the least radical rupture between applied and action anthropologies. Basically, his critique finds that very little popular support existed for the project among the Meskwaki, and that moreover, the project generated very little in the way of lasting beneficial effects. As in other applied anthropology projects, Foley concludes that the actionist analysis was shaped by anthropologists' own perceptions of the problems among the Meskwaki rather than Meskwaki perceptions (cf. Gearing, 1970; Gearing, Mc C. Netting, and Peattie, 1960). Consequently, the programs the actionists pursued were not necessarily those the Meskwaki as a whole or in part might have pursued. The veteran's club, the youth recreation programs, the farming cooperative, a popular media project, and a handicraft production cooperative – all excellent ideas, in theory – resulted from the initiative of the anthropologists, not the Meskwaki, and ultimately dwindled and disappeared.

Two aspects of the Fox Project did produce important effects. A scholarship program initiated by the anthropologists enabled 18 Meskwaki to attend college, of whom nine graduated. These individuals returned and became movers and shakers in their community (Foley, 1999: 175). Such an effect may have had less to do with the action approach's rupture with previous kinds of applied work, and resulted more from the presence of anthropologists with connections to financial resources. The second success of the Fox Project really did derive from collaboration. The settlement's tribal council requested the help of the anthropologists to prevent state authorities from seizing control over their tribal school. After initially fighting to keep the tribal school off the settlement in the 19th century, the Meskwaki fought to keep control over the school in the 20th, and the action anthropologists were able to help them do so (Foley, personal communication).

The evidence from Foley's research among the Meskwaki suggests to me that action anthropology represents the last phase in the history of anthro-centric applied anthropology. Actionists did reject a role as part of the apparatus of state power over indigenous peoples that many other applied anthropologists had operated within. Notwithstanding this significant break and its fortuitous successes, action anthropology *maintained the central (colonial) power relation between anthropologists and Indians*: the conceptualization, planning, and execution of projects remained in the hands of anthros, as did the analysis of any outcomes. The assessments, backward

glances, and reappraisals of the Fox Project underscore the outer limits of the possibilities inherent in this model, notwithstanding the humane political agenda and goals of action anthropologists. It is certainly also true, as Rubinstein (1986) points out, that mainstream anthropology's nonchalance toward action anthropology and its challenges resulted in a lack of institutional and financial support for the action approach.

It may be more interesting, but far more difficult, to inquire exactly how the presence of action, or any other applied, anthropology shaped or still shapes the way people in Indian Country go about using anthropological tools for their own ends, which I discuss in the next sections. Foley's review of Meskwaki perspectives is suggestive, but McNickle's remarks with respect to the Indian Reorganization Act are more so in this regard:

Native Americans all across the country...are now insisting on the rights of self-government, of resource control and management, of cultural autonomy – rights which the Indian Reorganization Act was intended to institutionalize in national policy and practice. The fact that the pressure for the affirmation of these rights is now exerted by the Indian people, not the federal government, would doubtless have been regarded by John Collier as the proper and logical process to follow from his efforts. (1979: 60)

No matter its failures from the perspectives of anthropologists and anthropological theory, insofar as action or any other kind of applied anthropology laid the foundations for tools that later became useful to Indian people, this can be seen as a very different form of success.

TRANSITION: POLITICAL MOVEMENTS, POWER SHIFTS, AND CHANGING (APPLIED) ANTHROPOLOGY

The proximity of Indian Country, U.S.A., to the centers of capitalist power – Indian Country is available as an *internal* colony – has always made control over Indian Country extremely important, as efforts to civilize/Christianize Indians and to control natural resources in Indian Country from the moment of contact to the 21st century clearly demonstrate. Conversely, Indian Country's geographic location also renders access to the power centers by the tribes and Indian people more possible – education being one primary example – than is the case with the global “South” that is also the focus of metropolitan capital accumulation. Applied anthropology in the U.S. and in Indian Country therefore operates under different constraints and possibilities than applied or, for that matter, any other kind of, anthropology in the Third World. The Vicos Project in Peru (cf. Holmberg and Dobyns, 1962) is an example of an applied anthropology project among indigenous people in an archetypal rural Third World setting, where the distance from the centers of power enabled certain kinds of practices, problems, and even abuses that might be more difficult to sustain so much closer to home base, so to speak, as in Indian Country.

Nevertheless, such abuses took place in many ways in Indian Country, and it is impossible to underestimate the influence that the rise of Red Power movements in the U.S. during the 1960s and 1970s exerted upon many native communities'

decisions to reject anthropological research as it had been conducted historically. Just as the rise of the American Indian Movement (AIM), the takeover of Alcatraz (1969–71), the maelstrom at Wounded Knee (1973) and other such events expressed the tangled and internally conflicted emergence of new voices of Indian sovereignty, so too did Vine Deloria, Jr.'s work congeal a powerful Indian critique of the treatment of American Indian peoples by the academy, especially anthropology. Deloria's writings challenged non-native scholars' understanding of what was possible, ethical, and useful research and analysis (see Biolsi and Zimmerman, 1997) with respect to working with American Indian communities. The fate of conventional applied anthropology in Indian Country, allied to the interests of the BIA and the federal government, was sealed by both Deloria and the political movements, like AIM, which openly rejected the paternalistic neo-colonialism that such efforts had embodied. Stimulated by Deloria's polemic, during the 1970s native scholars systematically critiqued social science in which non-native authors determined the objectives and goals of projects to the exclusion of the participating communities and individuals (see *Anthropology and the American Indian: A Symposium*, 1973; Henry, 1972; McNickle, 1979).

This critique remains powerful, visible, and relevant (see Thornton, 2000; Mihesuah, ed., 1998): witness the huge number of volumes available in any bookstore about Native American spirituality and culture – albeit the vast majority no longer authored by anthropologists – which are written by non-natives, without any apparent collaborative or even halfway-respectful relationship to the sources of information in Indian Country (see chapter 20). Nevertheless, other factors have helped to move this dynamic forward, from critique to innovation, and toward application of anthropology for tribal goals. One is the emergence of a growing corps of native scholars who in their mastery of the tools of academic production are expressing varied positionings that cannot be subsumed under one-dimensional terms such as "Native voice." Many if not most of these scholars are *not* anthropologists (see Mihesuah, ed., 1998), but even among those who are, not all have been or currently are entirely devoted to strictly applied anthropology. But as the corps of native scholars has grown, continued political activism in Indian Country and by Indians in state and federal government has also yielded forceful motivations for using anthropological tools. New legislation, such as the American Indian Religious Freedom Act (1978), the Native American Graves Protection and Repatriation Act (NAGPRA) (1990), and amendments made to the National Historic Preservation Act in 1992 (see chapters 20, 27), has built broad foundations upon which tribal sovereignty has been tested and developed, and in which applications of anthropology have become increasingly important. Tribal sovereignty has become the central issue, certainly as existing tribes attempt to reclaim their heritage and history, and seek to develop new sources of income (such as natural resource development, tourism, and, of course, gaming), but also as unrecognized tribes have made the decision to pursue federal acknowledgment. That pursuit is another arena in which the applications of anthropology have become essential. Finally, as all of these processes unfold and converge, native peoples' concerns over transmitting cultural identity on the reservations and in Indian communities everywhere in the U.S. have impelled the use of anthropological tools, increasingly focused on the fate of native languages.

In the following sections, I review particular cases and instances of repatriation, linguistic revival, and federal acknowledgment struggles to illustrate the application of anthropological tools. I remind readers that this review makes no pretense of comprehensive coverage, but rather provides examples that invite further discussion and critique.

PROCESSES OF REPATRIATION

Recent legislation mentioned above, particularly NAGPRA, has indeed provided support for tribes seeking to protect ancestral remains as they are uncovered by highway construction, urban development, and the like, for tribes to rebury such remains held in museums, and for tribes to reclaim important cultural artifacts that were removed from their possession by various means (for a compelling narrative of repatriation and reburial of native remains, see Starn, 2004). But NAGPRA is also the outcome of older struggles that precede the passage of that bill by many years and set the precedents for what the bill aimed to accomplish. Instances of such struggles are described here, which illustrate both the use of anthropological tools by tribes as well as the profoundly collaborative partnerships between tribes and non-native anthropologists that achieved the repatriation of tribal objects of extraordinary historical and cultural significance.

In the first case, anthropologist Robin Ridington has co-authored a book with Omaha tribal historian Dennis Hastings, which describes a very particular history (Ridington and Hastings, 1997). Their narrative focuses upon the return of Umon'hon'ti, the sacred pole of the Omaha people, from the Peabody Museum in Massachusetts to the Omaha reservation in Nebraska. But their book ambitiously attempts to do much more than recount how that occurred. Their retelling is not a linear one, and does not use anything like the standard narrative structure employed by either historians or anthropologists. While Ridington and Hastings do not claim that their telling follows an Omaha or generic Native American narrative structure, their story is told in a circular fashion; the outcome – the repatriation – is made clear at the very beginning, and recurs repeatedly throughout the book. Along the way, readers are introduced to many different complicating factors and issues that have played a part in the overall history of Umon'hon'ti. Ridington and Hastings take for granted the Omaha view of Umon'hon'ti as a kind of person, and in the process of reading the book, readers are socialized to this view. According to Omaha tradition, their discovery of Umon'hon'ti' dates back at least to the late 1600s. The authors rely heavily upon Omaha oral histories to describe pre-contact events as well as the tribe's contacts with Europeans and Euro-Americans. Ridington describes his own first encounters with Umon'hon'ti in 1962, and how his professional and personal life came to intertwine with the Omaha tribe such that he adopted as his own goal the tribal goal of repatriating both the pole and other sacred objects that had been taken from Omaha possession in the late 19th century.

The collaboration between Ridington and Hastings, oddly enough, mirrored the collaboration between Omaha Francis La Flesche and anthropologist Alice Fletcher in the 19th century that had resulted in Umon'hon'ti's removal from Omaha hands in the first place. That collaboration was planned and carried out in the name of

historical preservation and scientific study. Ridington and Hastings do not apologize for what Fletcher and La Flesche did, but rather call attention to the historical presence of native intellectuals and anthropology's long-standing dependence upon collaboration with them. By doing so, the authors underscore the change of course from disciplinary to tribal goals, and they mark this change not through the rhetoric of anthropology but through a profound reverence for the history and meaning of Umon'hon'ti. They thereby create a powerfully different sensibility about what anthropology's application to native goals can and should produce – repatriation of native culture to the Indian community, analyzed and narrated via native ways of rendering the past and meaning.

In the second case, repatriation of cultural artifacts was linked to an expansive native anthropological effort. The Zuni Tribe, represented by the tribal chairman, tribal council, and tribal scholars (e.g., Edmund Ladd), in long-term association with several non-Zuni archaeologists and anthropologists (particularly T. J. Ferguson, Roger Anyon, and E. Richard Hart), have since the 1970s pursued a broad program of archaeological excavation and analysis, and of repatriation of cultural artifacts, as well as establishing a tribally controlled museum. This effort marks a self-conscious shift, *vis-à-vis* archaeology and history:

As viewed by archaeologists, and enshrined in Federal regulatory language, archaeological sites are valued for their potential to inform about the past: sites are abandoned inanimate things from which information can be extracted. As viewed by Zunis, archaeological sites are an essential link to the land, their ancestors, their culture and traditions; sites embody life forces. . . . Zunis have no concept of sites having been abandoned. Ancestral spirits continue to reside in these places, the stewards of the land that provide a temporal link to present day Zuni. (Anyon and Ferguson, 1995: 914)

In the 1990s, the Zuni Heritage and Historic Preservation Office, and the Zuni Cultural Resource Enterprise, managed archaeological research on and nearby to the Zuni reservation with the goals of enhancing the tribe's understanding and knowledge of its history, providing employment for tribal members, and integrating tribal scholars into the design, implementation, and analysis of research. The results of these projects have been written up, published, and disseminated in popular form by the Zuni History Newspaper Project in "Zuni History: Victories in the 1990s" (1991; see Ferguson, 1996, for his review of the broad shifts in archaeological research taking place as a result of native empowerment).

As Merrill, Ladd, and Ferguson (1993) have recounted, the main repatriation effort by the Zuni tribe and its research and analysis institutions has been the struggle to regain control over iconic statuary of the Ahayu:da, twin deities with a central place in Zuni religion and ritual. Zuni religion, like Pueblo religion throughout New Mexico and Arizona, has withstood Spanish, Mexican, and Anglo colonialisms, and remains a vital force in daily life and practice. Merrill, Ladd, and Ferguson describe Ahayu:da images, historically installed in outdoor shrines sprinkled all over the Zuni homeland, as intricately tied to the protection of the Zuni people and control over potentially destructive forces. In the decades following the imposition of successive European and Euro-American colonial regimes, these shrines were systematically dispossessed of their images. In 1978, the tribe began the process of recovering

Ahayu:da, in order to re-install them in the outdoor shrines, and by 1995 had been successful at regaining possession of 69. The longest, most elaborate and influential Ahayu:da repatriation was from the Smithsonian Institution, a negotiation in which Merrill, Ladd, and Ferguson each played essential roles.

In their recounting, it becomes clear, as in the Omaha case, how historically important anthropologists and central disciplinary goals had facilitated the removal of Ahayu:da from Zuni control. Their article details the Zuni tribal council's initial inquiries about the status of Ahayu:da in the Smithsonian collection, their stated intention to participate in decisions about their care and curation, and their deliberately slow and non-emotional approach to their ultimate goal of repatriating them. This process continually confronted some anthropologists' presumption that a "higher," objective, and scientific study of Zuni artifacts and history superseded Zuni claims to control, not to mention understand, the meaning and utility of the Ahayu:da (Merrill et al., 1993: 539). Because this article is co-authored, and the authors acted in very different roles and from very different positionings during the process of repatriation, readers are able to see just how substantial a shift the overall effort and its representation in the article signify. Merrill, speaking for the Smithsonian anthropological staff that oversaw the eventual repatriation in 1987, had concluded that the Smithsonian had not acquired the Ahayu:da in an ethical manner, and that legally they belonged to the Zuni Tribe as a community. Thus the museum's task of curating and preserving valuable cultural artifacts was no longer operative. Ladd as both a Zuni and an anthropologist, and Ferguson as a non-native anthropologist and an employee of the tribe, occupied complex mediator positionings. Ladd, as a cultural insider, relates how the Ahayu:da are supposed to reside and eventually decompose in their shrines: "The whole museum concept of preservation of artifacts is alien to Zuni religious culture . . . In their view, masks and other religious paraphernalia did not belong in the museum; preservation of these materials was insensitive and immoral" (ibid.: 547). Ferguson maintains that he was instructed by the Zuni Archaeological Program to provide information about the history of Ahayu:da, their significance, and their removal from Zuni control, but that he was not deployed as a tribal advocate during the case. He too makes clear that the Zuni actions and goals were motivated entirely by their religion. In effect, what Ladd and Ferguson show from different positionings is that defending the Zuni religion's relationship to sacred objects could become the primary motivating factor for anthropological research and anthropologists' applications of their tools. This is truly an alternative form of applied anthropology, and demonstrates that an epistemology at great variance with anthropology's "science of man" conceit could be wed to anthropological methodologies. Ferguson (2003) describes ongoing archaeological excavation and analysis with the Hopi that pushes such a marriage even further, toward goals both scientifically innovative and tribally important.

Collaboration between anthropologists and Tlingit and Haida tribal members and leaders provides a final example of applications of anthropology which not only advance tribal goals but change anthropology itself. The combined effect of such collaboration has resulted in texts that reflect native concerns rather than historical anthropological obsessions about Pacific Northwest indigenous peoples (for example, "explaining" the potlatch, wealth complexes, and the like). An older volume (Goldschmidt and Haas, 1998), a reprint of an original study written in 1946, substantiates

traditional land ownership with a view toward defending existing tribal lands and repatriating lands that are no longer under native control; extensive interviews with native individuals constitute a series of native discourses that shape the text rather than being shaped by it. Half a century later, this research agenda was further elaborated by Tlingit tribal scholar-activist Andrew Hope, III. Hope called together Tlingits, neighboring tribes, and anthropologists who have worked closely with them, to a conference focused upon tribal land, resources, and culture. The organization and actualization of the conference hinged upon indigenous analysis of their own society. As Hope writes: "For a Tlingit like myself, the starting point of understanding my culture is the clan structure" (Hope and Thornton, 2000: 7). The resulting volume features papers that reflect the Tlingit clans' own sensibilities about their history and contemporary issues. Essays written by Tlingit historians analyze their people's migration into southeast Alaska, as well as important 19th-century events; anthropologists contributed articles about Tlingit language and resources; and an extended appendix includes numerous important texts from a work-in-progress, "The History of Tlingit Tribes and Clans." The sophisticated approaches of both tribal and non-tribal scholars in this volume, and in the overall trend of Tlingit anthropology, underscore motivations that are simultaneously scholarly and applied. The presumed contradiction between the two, so anxiety-producing and so evident for anthropologists in the 20th century, is nowhere to be found.

LINGUISTIC REVIVALS

In every reservation and Indian community in the United States, native languages have either disappeared or are under siege. That siege is, so far, less conclusive in the Southwest and in certain parts of the Plains, but particularly severe in the Northeast, much of the Southeast, in the Pacific Northwest, and in California, where many languages are barely hanging on by "life support." California "has the dubious distinction of having the most endangered languages of any part of North America" (Hinton, 1994: 221), which derives from the fantastic concentration of diverse languages in the state prior to contact with Europeans, and the particularly brutal forms European colonialism took with respect to eliminating native populations and erasing the memory of their presence. Emblematic of the crisis native languages are undergoing in the U.S., and on the basis of my own familiarity with California's native peoples, I will illustrate the application of anthropological tools in language revitalization with cases from California (see also chapter 25).

Hinton's scholarly work is aimed at both non-native linguists and the California Indian peoples with whom she works. She highlights how the distinct interests of those two groups pose both real and potential conflicts: "The primary interests of the linguistic audience are in such matters as linguistic theory and language comparison, while the community audience is interested in language learning and preservation" (1994: 250). Professional, non-native linguists moreover publish their research results with an eye toward career advancement, whereas the language community is interested in publishing materials only insofar as they help to keep the language alive. Profoundly different publics are involved here. Linguists' interest in language theory is matched by language communities' interest in "the data" themselves, that is, the

meat and potatoes of the language in question. All of these issues are rooted, in effect, in the arrangement Hinton problematizes regarding the historic authority of linguists to determine research agendas in relation to “informants.” New applications of linguistic anthropology to the goal of language preservation and restoration restructure that power relationship, putting the language community and its interests at the heart of research and analysis.

Hinton’s work goes very far down the road toward such restructuring, and although she maintains a linguist’s scholarly interest in many structural features of California’s native languages, her publications address those interests in extremely accessible and non-specialist terms. The fruit of such labor has been the Advocates for Indigenous California Language Survival, an organization which publishes a newsletter, organizes language camps, and sponsors the innovative master–apprentice program that is scoring successes in language transmission among several native groups (see Hinton, 1993). Tribal scholars’ further elaboration of these language programs has advanced goals that are still more divergent from conventional linguistic work. As Mojave scholar Parris Butler writes, his underlying purpose is “rediscovering tribal values through language” (Butler, 1993).

Julian Lang’s studies of and advocacy for the Karuk language illustrate this trajectory for one native scholar. In one early publication (Lang, 1989), he focused upon how a contemporary non-native linguist, William Bright, continued the earlier work of Alfred Kroeber and John Harrington, and spurred Lang’s own research into his people’s language. By the mid-1990s, Lang’s work (Lang, 1993/94, 1994) had embarked upon an explicit alliance between language restoration and cultural-spiritual renaissance. In *Ararapíkva* (1994), Lang used his talent as a linguist to work in and translate Karuk to retell crucial cultural narratives, with the intention of reanimating the underlying motivating principles of Karuk ceremonialism, fixing the world:

Today the elders still remind us that if we follow the ways of the old people, and the Iksaréeyavs [spirit-deities], we cannot go wrong. In this story, the elders ask the haunting question: What will happen if we forget these ordained and divine ways? This story is a reminder to all of us that the Karuk way and, in fact, the ways of all of the indigenous peoples, must be protected. The story also points out that *we* are the responsible one. This is *our* time, and *our* place. (Lang 1994: 97; emphasis in original)

By 2000, Lang and his Institute for Native Knowledge had begun self-publishing a bilingual English–Karuk newsletter concerned entirely with native ceremonialism, arts, language, and local news (cf. *Araráhib-Iksáree: Indian Language News*, 2000). It is clear that without his formal training as a linguistic anthropologist, such sophisticated and multifaceted applications could not proceed. On the other hand, it is unavoidable that Lang’s work demands a reorientation of the production of knowledge within the discipline of anthropology itself; Lang (personal communication) intends to take on the massive task of editing a revision of Kroeber’s classic *Indians of California* (1925) to be authored by both native and non-native scholars working in collaborative partnership with particular tribes. The motivation for such an undertaking is not only an applied kind of advocacy for the tribes, but the production of an entirely alternative knowledge about Native Californians for both native and non-native readers.

THE STRUGGLE FOR FEDERAL RECOGNITION

As we have seen, applied anthropology has long been tied to the state and its intentions regarding Indian people. The BAE produced anthropological knowledge for application in administering reservations and, later, anthropologists in the BIA's Applied Anthropology Unit and elsewhere attempted to contribute to carrying out the provisions of the Indian Reorganization Act. Such complicities are part of the overall history of academic and applied anthropological knowledge production about Indians. That history presents an even more disquieting face, however, when anthropological knowledge was used to justify and substantiate the denial of federal recognition to particular peoples, thereby participating in a process of erasing the identities of those peoples. The term "unacknowledged peoples/tribes" is something of an oxymoron, since without such recognition native groups are hard put to legitimate their existence *as Indians*. Populations of such native peoples are concentrated in the Northeast, various parts of the Southeast, and in California; in each case different colonial histories – English, Spanish, and French – in combination with later federal policies, created the conditions for the emergence of unacknowledged groups. In each case, as well, the work of both academic and applied anthropology buttressed federal and state policies toward unacknowledged peoples (see Field, 1999, for a review of the California case). But anthropologists have also taken part in the struggles of such groups to achieve federal recognition.

In the case of the Lumbee of North Carolina, the work of Blu (1980) and Sider (1993; see also Sider, 2003) cannot be considered applied, yet certainly played a synergistic role in the enunciation of Lumbee identity, and in their struggle (cf. Dial, 1975, a Lumbee historian's analysis of Lumbee history). Blu's and Sider's documentations of Lumbee history and identity necessarily challenge accepted notions of Indian identity in both academic and legal/state-bureaucratic discourses. Campisi (1991) has been an anthropologist-advocate for the Mashpee of Cape Cod, directly confronting the anthropological-bureaucratic knowledge system that initially disenfranchised the Mashpee, and then girded the case against the Mashpees when they tried to achieve standing as a tribe before a federal district court in 1977. The Mashpee case drew widespread attention from anthropologists, including theoreticians and critics from the academy (Clifford, 1986), precisely because the Mashpee case revealed the past role of anthropological knowledge – systematic, even if unintended – in the erasure of some native peoples, as well as contemporary anthropology's potential to support the struggles of those same peoples through the production of new kinds of knowledge. Campisi's analysis develops an extended critique of the application of the term "tribe" as a weapon against peoples like the Mashpee. His advocacy thus incorporates a theoretical dimension, which has also been elaborated by Mashpee intellectuals (Peters, 1987).

Escobar (n.d.), an Esselen intellectual and genealogist, has leveled a particularly devastating critique of anthropological knowledge about her people and other coastal California Native peoples who survived Spanish, Mexican, and American colonial regimes. Her work forms a part of the larger body of research and analysis by the Esselens and collaborating, staff anthropologists which will serve as a part of their petition for federal acknowledgment. Escobar critiques colonial and federal naming

practices that artificially designated and contrived Indian identities; these practices have subsequently become primary devices to delegitimize peoples whose identities never matched the categories into which official “Indians” were forced to fit. She then uses ethnographic data collected by John Harrington to illustrate the complexity of Esselen identity at the historical moment when the last speakers of indigenous languages in the Monterey region were still alive. As a genealogist, Escobar disrupts the prevailing reliance upon “Indian blood quanta” to establish Indian identity, a technique which has become a divisive staple of federal policy and has been internalized by many tribes and tribal members. In place of blood quanta, she traces extended lineage histories from villages first described by Spanish missionaries, with which she substantiates the Esselen heritage of each enrolled tribal member. This work illustrates the intellectual dimensions of the lived reality for the members of unacknowledged tribes. That is, they cannot prove “who they are” using the knowledge that has upheld their erasure; rather they must participate in the production of new anthropological knowledge that makes conceptual space for their identities. That knowledge is unquestionably an application of anthropology, but it is just as much a part of the historical *transformation* of scholarship within the discipline.

CONCLUDING WORDS

In a recent article in *Current Anthropology*, James Clifford reviews the collaborative efforts shaping the extraordinary exhibition of Alutiiq cultural production entitled “Looking Both Ways: Heritage and Identity of the Alutiiq People.” Clifford’s article displays considerable strengths in its measured critique of anthropology’s colonial legacies and in its demonstration of how contemporary relationships between anthropologists and native communities offer “potential for alliances when they are based on shared resources, repositioned indigenous and academic authorities, and relations of genuine respect” (Clifford, 2004: 6). There are several other ways Clifford elaborates positions which are useful and which resonate with other projects I have reviewed in this chapter. First, Clifford is scrupulous in detailing the historical construction of Alutiiq identity in a way which avoids both romantic and reductionist treatments of indigeneity. Second, Clifford provides a rich genealogy of collaborative museum work and exhibitions in the greater southern Alaska region, underscoring the achievements of native intellectuals and non-native anthropologists alike, and showing how exhibitions of the later 20th century and beyond have consistently built upon a series of successive insights and advances. Lastly, Clifford provides a versatile theoretical armature for analyzing collaborations between native and non-native scholars in the production, exhibition, and consumption of native heritage.

Clifford repeatedly reminds readers not to conflate successful collaborative exhibitions with political enfranchisement: “Heritage is not a substitute for land claims, struggles of subsistence rights, development, educational and health projects, defense of sacred sites and repatriation of human remains or stolen artifacts, but is closely tied to all these struggles” (ibid.: 8). Another recurring theme in Clifford’s article emphasizes the divergent meanings operating for participants, performers, scholars, and onlookers on both sides of the indigenous/non-indigenous divide. That reminder reflects on possibly the only criticism of Clifford’s illuminating analysis:

where is *he* in all of this and how is his analytic position viewed and understood by all of the collaborating parties he so ably describes?

Applied anthropology for tribal goals obviously relies upon Indian participation in, if not determination of, research questions, design, and analysis. More profoundly, such applications of anthropology necessarily derive from insiders' understanding of indigenous knowledge systems and from perspectives unavailable to non-native researchers, no matter how long "in the field." These perspectives are brought to the fore not in an abstract, knowledge-for-knowledge's-sake way, but as indigenous knowledge systems are used to confront in practical terms specific interfaces with the non-native world – repatriations of cultural objects and tribal lands, and reanimations of Indian languages and their expression of religion and worldview. Such work therefore promises a much broader and more substantial insight into those knowledge systems – or, at least, a profoundly *different* insight – than much of the existing scholarly literature. In the task of re-enfranchising non-recognized Indian peoples, applications of anthropology turn the gaze back upon anthropology itself, upon the discipline's historically complicit relationships with power systems, and upon the possibilities for reorienting anthropological analysis to undo the damage of the past. From this vantage, all of these applications most certainly do contribute to the advance of anthropological theory inside and outside the academic realm, bringing about a transformed relationship between the discipline and indigenous knowledge systems.

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CHAPTER 25 Language

James Collins

INTRODUCTION

One of the distinctive features of North American anthropology is that the study of language has been seen as central to the enterprise for nearly a century. And the study of American Indian languages has been a central focus, both in the early years when Franz Boas and his students undertook a project of “salvage” ethnography and linguistics, and in recent years when a substantial portion of grammatical description, language pedagogy, and literacy training has occurred under the rubric of “endangered languages.” This project of describing traditional languages and cultures for science, or, more recently, in alliance with Indian peoples wanting to save their traditional languages, has generated a massive amount of research and publication. As critics have noted of anthropology more generally (Clifford and Marcus, 1986), this research tradition on language has been characterized by scientific condescension, as well as a laudable concern to understand and document forms of life stigmatized in the general society; an avoidance of recognition of (colonial) politics and history, coupled with a liberal desire to “help Indians”; and an unreflective relation to its own research practice, despite some notable individual exceptions. This scholarly legacy will not, however, be my focus in this chapter, for purposes of either exposition or criticism (those interested should consult the edited collections by Goddard, and Silver and Miller in Further Reading, below). Instead, I want to address a few questions which hold promise for unsettling and re-orienting anthropologically oriented language research, questions concerning both how we engage the existing literatures and how we conduct and evaluate future projects.

The questions of interest are the following. First, who gets to define what counts as language? Is it the grammarian, sociolinguist, teacher, or government official? The fluent native speaker, the non-fluent but dedicated language student, or the language-mixing bilingual? Second, what roles do language ideologies play in the social life of language? That is, what role do beliefs and attitudes about language

structure and use play in the language practices of contemporary North American Indian peoples? Last, how do we relate what people do with and through language to how they are positioned in the world? Put in a research idiom/jargon, how do communicative practices connect the individual and society, and what can analysis of such practices teach us about the way history or tradition lives on in the unremarked routines of everyday life?

In addressing these questions, I will be trying to mark out important issues and promising directions for research and also to show how these issues matter beyond the realm of academic anthropology. In particular, I will attempt to show the relevance of such questions for individual readers who might be involved in, or supporters of, a language revitalization program, or might be simply puzzled by such claims as “language is culture” or “language is essential to identity” – claims commonly made by Indian people and tribal governments in the present. In addition, I will address the relevance of such questions for the field of Native American Studies, which, because it holds itself accountable to its object of study, is necessarily interested in the politics of knowledge, including the politics of knowledge of language, which often gets treated as if its “truth” is merely a matter of solid data, technical expertise, and good intentions.

WHO GETS TO DEFINE WHAT COUNTS AS LANGUAGE?

The question of what language is, or what is a language, has been at the heart of a 20th-century debate between structural linguistics, including post-War generative linguistics, and the culturally, contextually, and historically oriented approaches to languages that, for shorthand, I will call sociolinguistics. Structuralists argue that language is essentially a lexicon or vocabulary and the principles or rules for constructing phrases and sentences out of the lexical items. Sociolinguists argue that language is essentially a speech community’s practice, that is, how language is used by a social group, with often more than one language in use, by groups ranging from two-person dyads to international networks of speakers and writers.

The question of what counts as language has acquired urgency in recent decades as it has become undeniable that many of the languages spoken originally by North American Indians have become extinct – that is, there are no living speakers – or they are in clear danger of becoming so. Indigenous languages have been replaced in North America by colonial-national languages of European origin, primarily English, French, and Spanish. What this means is that the old nationalist assumption that “a language equals a people or culture,” if it were ever adequate for characterizing Native North American contexts, is simply inadequate today. If, for example, the majority of Fort Hall Shoshone (or Pine Ridge Lakota or Akwesasne Mohawk) do not speak their “native tongue,” are they no longer Shoshone (or Lakota or Mohawk)? Conversely, if they retain their cultural identity or tribal standing despite language shift and multilingualism, then what is the relation of a linguistic code to a social group? Put another way, if we acknowledge – as sociolinguists insist we must – that the *normal* linguistic situation for contemporary human communities is for networks of speakers to use diverse linguistic resources, then what constitutes “a language”? Is it a vocabulary-and-grammar showing internal consistency and distinctness from

other languages, or is it a speaking practice in which linguistic mixture and improvisation are typical?

Surprisingly, these questions are rarely addressed, either in the classic handbooks on American Indian languages (Boas, 1911a; Hoijer, 1946) or in contemporary work discussing endangered languages (Mithun, 1996; Ostler and Rudes, 2000). The question of what gets recognized as language and who has the authority to confer such legitimacy has been addressed in studies of European national languages (Bourdieu, 1991; Williams, 1961), and it is now being frankly debated in situations of contested multilingualism (Heller, 1994) and international linguistic diaspora (Maryns and Blommaert, 2001; Rampton, 1995). It is also being addressed in a few promising studies by linguistic anthropologists of North American Indian speech communities.

In a detailed study of a language revitalization program among the White Mountain Apache, Nivens (2002) describes the on-reservation tensions between language teachers and parents and elders. The teachers, who are White Mountain Apache speakers, conceive of “language” as essentially a dictionary-and-grammar. The parents and elders, who are also speakers who value their ancestral tongue, are nonetheless skeptical about the revitalization program. They see “language” as inseparable from a moral order, that is, from socialization into relations with kin and other significant social actors – a very different view. Nivens puts the matter in this fashion:

Despite widespread common interest in language preservation then, controversy often follows the creation of one or another of these programs. The reason for this, I argue, is because of conflicts between the cultural constitution of communicative competence within the environment of speaking in the schools and other institutionalized educational settings and those environments defined by Apache forms of relationship, whether this be through “kin” relations or relationships through various formal means, including the Sunrise Dance and other god-parent relationships, marriage, cooperation, or informal relations through familiarity as neighbors and friends. This conflict is based upon differences between the discourse on language in the schools shaped by engagement with federal education programs vs. its counterpart in Apache discourse in contexts where Apache ways of speaking and forms of relationship are most salient . . . (2002: 19)

In a study of language use and verbal art, Moore (1993) argues that there are significant differences across generations in what constitutes a valid performance of the Wasco (Chinookan) language. In common with many situations of language change, older speakers are disdainful of the linguistic performances of younger speakers, but more specifically, older speakers treat elicitation sessions – when they are consulting with anthropologists about the Wasco language – as a straightforward matter of what they remember, whereas younger speakers are concerned to demonstrate genealogical affiliation while also demonstrating their knowledge of the language. As Moore observes:

Language knowledge, it seems, is swept up into memories of contextualized use, and the performance especially of younger semispeakers in elicitation sessions highlights this dramatically. Younger speakers, interestingly, seem to view elicitation sessions as memory exercise of a kind . . . Their responses to [elicitation questions such as “how do

you say ‘such and such’”] often take the form of narratives in which a deceased older relative . . . is depicted speaking Wasco . . . [or] will simply be “Grandma used to say ‘X.’” (1993: 217)

In a later dissertation, Moore (1996) continues his analysis of how claims to language involved reports and recreations of narrative accounts in which traditional tales, such as those of Coyote-as-Trickster, were blended with accounts of who was actually telling the tale. Moore expands his analysis, however, to a more general argument about ideologies of language, and of Indians in the U.S. and indigenous peoples in European and European-derived nation-states. In particular, he notes that the period since the 1970s has seen incorporation of indigenous peoples into a global discourse of language endangerment and imperiled ecological diversity. In this account, the loss of languages is seen as part of the loss of biological diversity more generally. Despite the resonance of such arguments at a time in which questions of ecology and nature are intensely felt in global, national, community, and personal contexts, Moore rightly observes that it is problematic to equate a people with a language or a community of speakers with a biological species. Such rhetoric ignores, for example, the ample research on multilingualism, language shift, and mixed or hybrid communities.

Collins (1998a) is an analysis of how “what counts as language” for the Tolowa of Northwest California is contested and negotiated in various sites: in internal disagreements about whether there is a single language or many ways of speaking; in exchanges between academic linguists and language consultants; and through the state-derived procedures of testing and teacher credentialing. A later, fuller study (Collins, 1998b: chs 2 and 6) situates these exchanges within a historical and ethnographic analysis of 20th-century bilingualism, the merging of language revitalization efforts with other forms of cultural and political practice, and fundamental tensions between views of language rooted in kin or band loyalties versus views of language as belonging to an entire Indian nation. In this latter, more nationalistic guise of language, among North American Indians as among European nation-seeking peoples, various textual forms of language become crucial: the creation of dictionaries, grammars, and story collections give texts which signify “a language” and thus “a people”, authentic, authorized, and entitled to self-determination.

The cases discussed so far concern conflicts about ancestral or heritage languages. Relevant also, however, is the existence of distinctive varieties of English spoken by Native American peoples. Leap (1993) estimates that “it is likely there are at least 200 different Indian Englishes” (p. 3). His book on the topic provides structural-linguistic descriptions of distinct Englishes used by many Indian peoples: Apache, Chilcotin, and Cheyenne English; Isletan and Koyukon varieties; Laguna, Lakota, and Mojave English; as well as the distinct English found among the Ponca, the San Juan Pueblo, and the Tsimshian, and on the Warm Springs and White Mountain Reservations. As might be expected, these Englishes show phonological and syntactic influences from the various ancestral languages, as well as distinct ways of mixing vocabulary and phrases from the traditional languages into the local Englishes. Also unsurprising, if unfortunate, is that non-Indians frequently judge local Indian Englishes as “broken” or “non-standard,” the all-too-common expression of linguistic bigotry. But according to Leap’s surveys, adults in various native nations think differently. They do not see their or their children’s English as “a problem.” Indeed,

using a distinctive local variety of English signals solidarity with and membership in a given community; and knowledge of other Indian Englishes is used to identify, and maybe poke fun at, members of other Indian groups.

Given the apparent favor with which Indian Englishes are viewed on reservations and urban streets, it is noteworthy that no tribe has made a formal political effort to recognize or promote their people's variety of English. As with Black English prior to the Civil Rights movement and the recent Ebonics controversy (see Deplitt and Perry, 1998), it appears that Indian Englishes are popular vernaculars. As vernaculars, they are officially ignored, stigmatized in schools, and derided by outsiders, and yet they remain a ubiquitous linguistic means for socializing children, fashioning distinct identities, and, in general, giving voice to everyday life. We should note, however, that despite official silence, Indian English has attracted aesthetic attention. Fiction by Native American authors such as David Seals (*Pow-Wow Highway*), Sherman Alexie (*The Lone Ranger and Tonto Fistfight in Heaven*), and Adrian Louis (*Skins*) does represent the distinctive English of the reservation and urban milieu with which their novels and short stories deal. That a story of Alexie's was turned into the movie *Smoke Signals*, and that Louis' *Skins* has been made into a movie of the same name means that the artistic representation of vernacular Indian voices will now be more widely known.

The question that remains is "Who decides what counts as language?" The answer, which is only a negative beginning, is that this is never simply a technical or scientific matter. Although it might seem at first glance that "What is a language?" is decidable on structuralist criteria of vocabulary and grammar, the question always entangles social values and political struggles, as the world's foremost generative linguist has himself argued (Chomsky, 1986). Centrally at issue are the attitudes and values which bear on language practices and recognizable linguistic form.

WHAT ARE LANGUAGE IDEOLOGIES?

The fact that attitudes toward and ideas about language are an important part of the phenomena of language has been recognized in North American linguistic anthropology throughout the 20th century, though different lessons have been drawn from this fact. In keeping with their positivist views of science and language, the prominent Americanists Franz Boas (1911b) and Leonard Bloomfield (1940) both thought that ideas and beliefs about language were pervasive false data; "secondary rationalizations" was Boas's term. Edward Sapir (1921) and Benjamin Lee Whorf (1956) had a more subtle understanding of the relation between the "false" data concerning beliefs and the "true" data reflecting a language structure that the linguist can generalize from the observable data. Though their insights tended to get lost in subsequent popularizations, their arguments for linguistic relativity, that is, for the view that language structure and language use influence how people perceive and think, hinge on the *relation* between ideas about language, patterns of language use, and linguistic form (grammar and vocabulary). In an article critically appropriating this tradition, though written several decades later, Silverstein (1979) articulated this three-way relation between ideas, use, and form into an influential account of linguistic ideologies.

Concern with language ideologies does not, however, simply derive from linguistic anthropology. An important intellectual influence on work since the mid-20th century has been the Marxian concern with dominant or hegemonic ideas, that is, with the ways in which inequalities of power and economic resources become “justified” by (distorting) ideas and (obscuring) discourses about the material world, people, and language. The Welsh-born socialist activist, literary theorist, and social analyst Raymond Williams wrote about forms of class domination connected to the rise of standard languages (Williams, 1961). Antonio Gramsci, a Sardinian peasant who became a leading communist organizer and intellectual, wrote perceptively about the relation between minority languages and national standards, about the valuable tension between studying “dead languages” and “living speech.” In an oft-quoted passage, he said the following about language, ruling classes, and forms of cultural domination: “Each time that in one way or another, the question of language comes to the fore, that signifies that a series of other problems is about to emerge, the formation and enlarging of the ruling class, the necessity to establish more ‘intimate’ and sure relations between ruling groups and the national popular masses, that is, the reorganization of cultural hegemony” (quoted in Donald, 1991: 212).

Drawing upon both the anthropological tradition connecting language attitudes, practices, and structures and the Marxian imperative to understand how forms of power and systematic social processes become part of people’s consciousness, recent work on language ideologies has explored how beliefs about, and routine practices with, language give rise to diverse ideological formations. Some of these formations are internal to American Indian societies, but many mediate relations between those societies and the encompassing North American states within which American Indian peoples are held as “dependent nations.”

The question of the relation between American Indian cultural desires, tribal polities, and state-based institutions has been sharply posed in recent years by efforts to found, and fund, heritage language programs. The tensions between local cultural-linguistic desires and views of language deriving from state-level institutions are directly at issue in the research by Nivens into the conflict over a heritage language program on the White Mountain Reservation. As previously discussed, Nivens describes how diverging ideologies of language underlie this conflict. On the one hand, there are language educators, with laudable intentions to assist White Mountain children in learning their traditional language, and these educators see the essence of language as a lexicon and grammar. This is a familiar modernist or nationalist vision, which emerged prominently, though not uniquely, in 19th-century Europe; it spread, via the agencies of colonialism and subsequent nationalism, over much of the globe. It is also the central assumption about language held by 20th-century structuralist linguistics, that is, it is an article of faith for many academic field linguists. On the other hand, there are White Mountain elders and parents, who conceive of language not as a formal grammatical system but as speaking practices which are embedded in, and constitutive of, a moral order: how one relates to, by speaking with, kin people and non-kin participants in various everyday and ceremonial activities.

In addition to describing the differing ideologies and how they informed the unfolding conflict over the language program, Nivens also examines how the anthropologist, as academic analyst, is also “positioned” by ideology – that is, inescapably

and necessarily involved in situated ideological conflicts. As a linguistic anthropologist working with a federally funded language education program, she was – by training and funding-imperative – inclined to be supportive of structuralist assumptions about language. However, as an ethnographer, she necessarily sought also to understand local White Mountain conceptions of language. But the anthropologist's dilemma was not merely one of trying to reconcile conflicting visions of language; there were also both immediate and distant political pressures. As an example of distant pressure, Nivens knew that by frankly describing the intra-reservation conflict over the program she might be giving ammunition to political forces, quite prominent in the state of Arizona, that oppose any provision for bilingual education.

In a report on language attitudes affecting Shoshone revitalization efforts on the Fort Hall Reservation, Loether (2000) describes what is becoming a familiar set of positions and tensions. First, in opposition to the idea that there exists a general or standard Shoshone language, many at Fort Hall express allegiances to what Loether calls “band-centered” or “family-centered” language varieties. As he puts the matter: “Native speakers estimate that there are at least twenty different dialects, all of which are tied to particular families and their original home territories. . . . This presents a problem when teaching the language to second-language learners, since there is no single form that is considered ‘standard’” (2000: 3). The overriding of local allegiances to language was part of the history of modern language standardization as it occurred in tandem with nation-building efforts in the 19th and 20th centuries in nation-states across the globe (Anderson, 1983), but that model of language and polity does not necessarily suit smaller-scale, differentiated, Native American societies, in which there can be more intense loyalties to family and band than to tribe or nation.

A second tension Loether describes is generational, in particular, that occurring between older speakers who are fluent in varieties of Shoshone and younger speakers who are learning Shoshone as a second language. Unsurprisingly, older speakers are often dismissive and critical of younger speakers' efforts. Loether, as a participant in a university-supported language program on the reservation, feels it is important to make the language revitalization more appealing to youth. This is to be done by encouraging neologisms (creating Shoshone words for items from contemporary culture), creating domains of language use among youth outside of school settings, and providing rewards, both financial and symbolic, for young language learners. Loether does not analyze how this set of external motivations – the strategies just described are drawn from successful language revitalization programs in Wales – would fit with Shoshone elders' ideas about language. Such an analysis would need to address whether the elders' disdain for second language learners' efforts was due to a general disregard for the proficiency of the novice or to more specific concerns with how Shoshone should be used in different communicative practices (as Nivens discovers for White Mountain residents).

The third tension Loether reports is common to many efforts to document and teach North American Indian languages in school-like settings. It consists of disagreements over writing and, in particular, over what orthography or spelling system is going to be used to represent the language at issue. It is a conceit of many academic linguists, in their role as scientific analysts and well-intentioned language advocates, that there exists a perfect transcription system that, with the right technical decisions,

will represent a given language fully, explicitly, and efficiently. For those who uncritically hold this view (see Ostler and Rudes, 2000, for a sampling), the fact that writing always has a history, comes from a social position, and entangles interests and values as well as the desire to communicate – all this is seen as so much background “noise,” the result of sentimental attachment to flawed past practices. It is to Loether’s credit that he recognizes there is more at issue in orthographic disputes than technical accuracy. He describes an academic linguist’s orthography, which many Shoshone speakers did not like, and a second orthography, which was used in some of the schools, and which Loether adopted for his documentation efforts, but which was never adopted by the Fort Hall Tribal Council. He then draws this conclusion: “I now realize that I learned an important lesson the hard way: namely, one cannot impose an orthography on a community” (2000: 4).

In an article analyzing situated language ideologies, I describe a similar situation among the Tolowa of Northwest California (Collins, 1998a). In the Tolowa case, local controversies over what constitutes “the language” were entangled in disputes over writing systems. One issue in the dispute was whether a writing system called Indian Unifon, which was used for several decades by the Tolowa Language Program and language programs among the neighboring Karuk, Yurok, and Hupa, was able to represent the sound structure of Tolowa as well as an alphabet derived from the International Phonetic Alphabet (the IPA, part of the standard field linguist’s toolkit for describing language). In addition to this seemingly technical issue, there were also related conflicts among Tolowa-speakers and language learners regarding how the written language should look. On the one side were those who had learned to read English in school and who felt that an English-looking script – such as an IPA-derived orthography – would make reading and learning the language more easy. On the other side were those who had spent time either documenting, analyzing, and teaching the language, or studying and learning the language, with the Unifon system. These latter felt it only appropriate that written Tolowa would not resemble written English. As one language teacher and Tolowa elder emphasized to me on numerous occasions, “the Indian language is different from English,” and for her the Unifon alphabet rightly captured the difference.

This study of language ideologies also addresses the reflexive relation between (linguistic) anthropologists and American Indians in the practices of constructing knowledge, an issue also taken up in Nivens (2002). In particular, this article discusses the tensions between the structuralist preoccupations with lexicon and grammar that guided my early research on the language and a different, more practice-oriented, view of language that my Tolowa teachers politely but firmly held to. Their preoccupations with language, present in many of our encounters, concerned words: who they were used by, and the communicative events in which they occurred – whether stories of Coyote’s misdeeds or accounts of beach gathering activities in which mussels, clams, and abalone were named as they were harvested. In the Tolowa emphasis on words, stories, and communicative events, there are clear similarities with Moore’s (1993) account of Wasco speakers at Warm Springs.

In addition to disputes over orthography and tensions in fieldwork encounters, a third way in which language ideologies are situated is through longer-term encounters between American Indians and state-level institutions. In the cited article, I treat this encounter as it takes form in conflicts over language tests and credentialing

procedures for teachers. In these conflicts, different conceptions of language and consultant statuses – as tribal elders, academic expert, and so forth – had different persuasive powers in officializing practices. Simply put, state education agencies wanted experts to certify their tests and credentialing procedures using standard views of what language is. Indian people wanted recognition for their knowledge, which involved knowledge of linguistic forms, but also knowledge of who used what forms under given cultural conditions.

Several times in the foregoing discussion I have referred to language ideologies and language-standardizing practices as essential to European and European-derived nationalisms. It should be stressed, however, that indigenous nations in North America have to operate within a constrained state sovereignty; they must always contend with the much more powerful U.S. and Canadian governments. Within this context, it is often not clear what the native “national” language ideology might be. Some tribal nations, which are large and have considerable resources, have very straightforward language policies. The Government of Nunavut, in Northwest Canada, has a clearly stated policy regarding the official recognition of the indigenous language. Their Language and Communication Bureau announces as one of its core principles to “work cooperatively with all government departments towards establishing Inuktitut as the working language of the Government of Nunavut” (Culture, Language, Elders, and Youth Program, p. 5; www.gov.nu.ca/cley.PDF). Similarly, the Navajo Nation has an established tribal policy promoting the use of standardized Navajo for education and for official government business (personal communication, Eddie Tso, Department of Education, Navajo Nation, September 26, 2002).

Conversely, several band councils of the Innu of Northern Quebec refused to adopt a standard orthography – until the intervention of the Quebec provincial government’s *Institut culturel et éducatif montagnais* forced the matter (Baraby, 2000). The Hopi of the American Southwest are known for their long history of cultural and political opposition to Spanish colonial and U.S. national domination, and some Hopi also oppose accepting U.S. federal education funds, a common source of monies for native language programs. A Hopi participant at a 1995 panel of American Indian language activists argued the following: “There is a problem in teaching Hopi in schools because the different villages have different dialects and there is no consensus among villages on which dialect to teach at the high school which serves all the villages” (Language Activists Panel Summary, p. 3; www.ncela.gwu.edu/miscpubs/stabilize/iii-families/activists.htm). Thus we can see that there is a range of tribal attitudes concerning language standardization and language diversity. Further study of the language policies (and practices) of tribal governments would enable us to better understand the interplay between postcolonial legacies and local ideologies, and the part played by these situated ideological struggles in the ongoing political and economic efforts of indigenous states to sustain themselves as nations.

In *Signs of Cherokee Culture*, a recent book-length study, Bender (2002) takes up the issue of orthographies and education in Cherokee language programs but also provides analyses of the broader institutional and economic situation. She focuses particularly on the differentiation of heritage language learning from other uses of language script, such as the ubiquitous use of the Cherokee syllabary in commercial practices that have emerged in the 1990s along with a casino-and-tourism economy. In brief, concern with gaining fluency in the Cherokee language can be downplayed

or backgrounded in favor of a different linguistic practice: using the Sequoyah syllabary – an authentic but exotic script from the perspective of English writing – to signify “Cherokee,” that is, using the script as an easy shorthand for a cultural otherness that appeals to the gambler and vacationer.

In an article focused on state-level language policies, regional political economy, and social categorization practices regarding peoples and language, Patrick (2001) describes how Arctic Inuit handle a situation of four-way multilingualism involving Inuktitut, Cree, English, and French. Although she does not focus on language ideologies directly, she analyzes the interaction between everyday and institutionally based views of language as part of social categorization processes which connect kinds of persons to kinds of language. In particular, she examines how national education policies in Canada inform local attitudes toward languages so that French, a commonly encountered minority language in the region she studies, is not learned by Inuit youth, despite its regional economic importance.

One value of attention to language ideologies is that such studies suggest ways for anthropologists, researchers in Native American Studies, and native peoples to think about the relations between day-to-day communicative practices and larger-scale, longer-term social structures and historical trajectories. Ideas about language are also ideas about kinds of persons and material resources on reservations and reserves where ties of kin and friendship are often tested by conditions of significant economic inequality; who has access to what languages, and to what language modalities, can affect access to basic resources. Although disputes about orthography are about how a language should be represented, how it should “look,” they also entangle larger histories and structures of (colonial) Indian–white relations. Typically those histories are mediated by educational institutions, and this has ongoing implications for the always complex and at times fraught relations between academic anthropologists, relatively educated native language advocates, and those who hold to non-schooled visions of place, tradition, person, and speech.

WHAT STUDIES OF SITUATED PRACTICE TEACH US

The relations between the individual and society and between continuity and change are classic intellectual problems in Western social thought. They are also felt, practical problems for many North American Indians, for whom recognition of multiplicity and difference among and between people, and the problem of relating the historical past to the contemporary situation, are often experienced through conflicts over tradition and identity. In recent decades, these questions – of the individual and the group, of history and change – have been approached through the study of communicative practices, themselves a central strand in the study of social practices more generally (Bourdieu, 1977; Hanks, 1996).

In an early, influential study, Philips (1972) analyzed preferred patterns of interaction, what she termed “participation structures,” among children on the Warm Springs Reservation. She described how structures of participation were inculcated through the repetitive, largely unreflected-upon routines of everyday life: children’s play in peer groups; participation in household activities; and their presence at “community-wide social events sponsored by Indians,” for example, “political

general councils, social dinners, and worship dances” (1972: 388). In such events and activities, tacit assumptions and dispositions were acquired which guided an individual’s sense of how to relate to and interact with others. She argued that Warm Springs children were socialized to expect and value relatively egalitarian modes of talking and acting in which collaborative group activity left room for individual autonomy and self-direction. As we will see, this approach to personhood and interactional practice is reported for other American Indian societies. This interactional style, as Philips noted, is one which conflicts with school-based expectations of adult-directed activities and individual display of knowledge and competence.

Philips (1983) subsequently argued that embodied participation preferences and expectations, acquired through the routines of reservation life, comprise an “invisible culture,” a socialized way of being-in-the-world connected to histories of the reservation, to the tribal peoples who reside there, and to the childhoods lived in those specific conditions. This invisible culture is acquired and reproduced through communicative practices, and these structured, structuring practices – “habitus” in Bourdieu’s (1977) terms – persist despite changes in language, say from Wasco or Warm Springs Sahaptin to English. Further, as noted above, they often conflict with the unspoken but expected communicative practices, the “participation structures,” of non-Indian institutions such as schools.

Bunte’s (2000) recent work on language socialization among the San Juan Paiute of Northern Arizona suggests links between language ideologies and communicative practices. Examining how Paiute beliefs about the efficacy of parental speech and the autonomy of individuals jointly inform how individuals interact in a variety of everyday activities and storytelling occasions, Bunte argues that the ways Paiute parents and elders speak to and interact with their children seems to produce youth and young adults with “proper Paiute behavior” (p. 15) who have not necessarily learned the Paiute language. Because she is involved in a Paiute language maintenance program, in a situation of accelerating language shift, Bunte and many San Juan Paiute speakers are concerned about language loss. Her analysis shows that ideologically informed socialization practices contain contradictions: the value placed on individual autonomy leaves children the room not to use Paiute, to choose English instead. Bunte’s broader argument, however, is that various forms of cultural practice (myth and other storytelling, life crisis rituals, and family socialization) are “sites of ideology” where general assumptions about the nature of language and of people frame specific interactions so that a Paiute way of being, which values autonomous, self-directed, yet socially connected individuals, is routinely transmitted and acquired.

In recent work among the Navajo, close neighbors of the San Juan Paiute, Field (2001) explores the nature of culturally based tacit knowledge. By “tacit knowledge” she means embodied knowledge acquired through frequently recurring conversational routines, an interactional “second nature” through which things get done and people learn how to be. Such knowledge is learned through practice, however, not direct verbal instruction. In this regard it resembles how most of us acquire many forms of practical knowledge – how to ride a bike or drive a car, cook food, play cards, or have sex.

In the case Field examines, she focuses upon so-called “triadic directives”: situated exchanges in which an adult directs a child to help another, within earshot of the intended recipient of the help, or tells an offended child what to say to an offending

child, again within earshot of the offender. Field argues three general points about such directives: (a) they are pervasive in traditional Navajo culture; (b) they indirectly teach Navajo values of self-determination, autonomy, and respect for others; and (c) they are performed in Navajo, English, or both. In other words, such socializing practices comprise an “invisible culture” that may persist after the language-as-grammar has changed. They constitute tradition-as-disposition, that is, the typically unarticulated “gut instinct” that derives from human socialization into particular social worlds and cultural practices, that positions us as well as positioning others as “like us” or “different.”

In *Telling Our Selves*, a study of ethnicity and subsistence stories among Yup'ik and non-Yup'ik in Bethel, Alaska, Hensel (1996) argues that ethnic identity is not a given essence or trait of persons, such that one would say of another “She is Yup'ik” or “He is white.” Instead, identity is a practice, something about the self expressed in ways of doing things, including how one tells stories and what one tells stories about. So the question shifts from “is” to “how”: “How Yup'ik is she?” “How white is he?” Given the many generations of intermarriage among Yup'ik and non-Yup'ik in Southwestern Alaska, Hensel's argument about the hybrid, constructed nature of ethnic identity is particularly apt. The broader point he makes, however, is that all identity is more achieved than ascribed; rather than a fate assigned at birth, it is a belonging achieved through practice, through what one does, importantly what one does through words-in-action.

In Hensel's argument, stories of subsistence – ice fishing and ptarmigan hunting, picking blueberries and cutting salmon for drying and smoking – are a pervasive communicative practice through which Yup'ik “tell [their] selves.” Social differences matter in these tellings. Themes of subsistence versus wage-work, and the stories told thereof, have different resonances for male and female roles in traditional Yup'ik culture and contemporary Bethel. Although non-Yup'ik whites may express recognition of, and admiration for, what they understand as the Yup'ik relation to subsistence activities, whites typically give different accounts of activities such as hunting or fishing.

A theme in *Telling Our Selves* that is shared with other studies of situated practice is that such practices are performances and reproductions of “invisible culture,” of traditions with which individuals identify and to which they belong-through-doing. Crucially important, however, is that while situated practice is intrinsically communicative, it is also in theory and fact separable from the existence of specific languages. In the context of discussing tacit, group-specific expectations for how to interact, which he terms “conventions,” Hensel puts the matter in this fashion:

These conventions often persist even when the languages spoken change. There are some situations, such as those in which English has replaced Native languages in rural Alaska, where the same speech communities have continued to exist, albeit [with new words]. People interact in a new language primarily with the same people or the children of the same people with whom they interacted in the old language. Typically, there have been gradual changes, but fundamentally there is continuity in social and economic interactions, and in ideology and worldview. Preexisting relationships have continued . . . In these contexts, people have changed their language and changed English in the process by adapting and tailoring English to serve (most of) the functions of the Native language, but without changing many other contextualization conventions . . . In such

situations, sharing grammatical structures and lexical items often turns out to be insufficient for effective communication. (p. 90)

Although studies of situated practice necessarily attend to action in specific locales, and thus are unavoidably “micro-analytic,” in their interpretive and explanatory ambitions they reach out toward broader questions of history and social order. They can teach us new things about the contingencies of history-in-action: that tradition is not a substance received from the past but rather a relationship to the past, taken up in particular actions and sayings; that the reproduction of social orders is due not to the operation of fixed, impersonal mechanisms but to dynamic processes, always in principle unstable, that humans do together. Studies of communicative practice in North American Indian communities provide new perspectives on what it is to “be Indian” in circumstances of profound historical change. It is perhaps fitting that in Adrian Louis’ powerful novel *Skins*, which is based on life on the contemporary Pine Ridge reservation, the main protagonist doubts another reservation resident’s claim to “be Indian” because of what that person says about himself, because of how he talks (see also Wieder and Pratt, 1990). While providing illuminating accounts of the transmission of communicative traditions in situations of sharp linguistic change – itself an important empirical and theoretical contribution – studies of situated practice also offer ways of understanding humans as historically and linguistically situated. They do this latter by connecting tradition, culture, and identity, which can easily become abstractions, to ways of being with, and speaking to, children, to stories of picking berries or pinon nuts, of hunting ptarmigan and drying salmon.

CONCLUSION

This chapter has largely ignored what comprises the bulk of published research on the languages of North American Indians: studies of linguistic structures, that is, of language-as-grammar. I have done this not because such work is irrelevant or unimportant but because such works need to be challenged, decentered, and destabilized if their relevance and importance is to be established for the 21st century.

In this century, the framework of language endangerment needs to be confronted by the question of who gets to define what counts as language. Otherwise, this framework for understanding language runs the very real risk of obscuring questions of politics, values, and history in the name of a vague collective interest in global cultural (and ecological) diversity. It should be noted that this criticism is made of the ecological movement more generally by anti-corporate Greens and social ecology advocates.

The languages of North American Indians are inseparable from their historical and historically changing social formations. In many if not most Native American societies multilingualism is the rule, not the exception, and language scholarship needs to address this fundamental condition (Silverstein, 1997). It is not sufficient, however, merely to recognize and describe diversity. As sociolinguists have long argued, it is necessary to study and analyze the “organization of diversity” in the contemporary world (Gumperz, 1982; Hymes, 1996), a world in which unequal

power and histories of oppression have been part and parcel of the “conditions of possibility” for the encounter between anthropologists and North American Indians. Studies of language ideology build upon both linguistic anthropological understandings of the dynamic interplay between language as structure, act, and value, on the one hand, and Marxian understandings of how power and domination become internalized as forms of consciousness which, in turn, enter into both explicit models of the world and implicit practices in the world, on the other hand. Studies of language ideology show us, among other things, that language is perceived, valued, and used from specific social positions in society – positions based on class, race, gender, and other bases of power. There is no universal view or act, though there are plenty of contending views and acts, reflecting and effecting both intra-tribal divisions and the legacies of colonialism and nationalism that have shaped the larger contemporary world – and that position Indian people and the anthropologists who are professionally interested in them *vis-à-vis* each other.

If the language formations found among North American Indians must be understood as unavoidably connected to the ongoing encounters we term “Indian–white relations,” it is necessary also to recognize that such language-social formations also have their own logic, their own dynamic practices of self-constitution, reproduction, and change. It is studies of situated practice, investigating how individuals become socialized into groups, how change and continuity interact, that provide us with compelling, detailed portraits of how individuals constitute their social selves, and are in turn constituted by communicative practices. Such studies remind us of Marx’s oft-quoted aphorism, which we may paraphrase as follows: “Men and women make their own linguistic history but not in communicative conditions of their own choosing.”

Although they provide intimate, linguistically detailed accounts of how people in Native American societies are socialized to and through language, studies of communicative practices nonetheless threaten to destabilize language. They show that culture-, group-, and region-specific conventions for how to do-and-be-through-talking can persist even if the grammatical systems with which they were originally coupled have been replaced by others. Against the familiar slogans that “language is culture” and “language is essential to identity,” studies of communicative practice show us that much remains to be understood about language, its place in culture, and its role in identity.

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CHAPTER 26 Visual Anthropology

Harald E. L. Prins

The 1839 invention of the daguerreotype in France marks a turning point in world history. Initially thought to record nothing “but the truth,” photography was quickly and enthusiastically accepted as “an actual reproduction of nature” (Arthur, 1849: 355). Notwithstanding this early confusion between truth and accuracy, cameras made it possible to mechanically reduce subjects from transient existence in real life and convert them into their apparently fixed representational state. Spreading swiftly across international boundaries, the new visual technology transformed the way people viewed themselves and their world. Within the next century, the global media revolution created a new phantom reality where representation is fact and perception may have real consequences.

Major steps in the development of visual technology and anthropology are intricately intertwined with significant turns in the demise and rise of Native America. When visual technology’s transforming influence began, indigenous nations still residing east of the Mississippi River were facing the devastating consequences of the 1830 Indian Removal Act, a federally mandated ethnic cleansing policy. Almost simultaneously, American anthropology emerged as the cross-cultural study of humankind and surveying teams fanned out across Indian Country west of the great river to map the “wilderness” for military conquest and white colonization. In 1842, just when U.S. troops rounded up the last remaining clusters of Creeks and Chickasaws for resettlement in what was to become Oklahoma, the American Ethnological Society was founded (see chapter 23). The first motion picture cameras appeared in the 1890s when anthropology began its rise as an institutionalized academic discipline and the U.S. Seventh Cavalry crushed the last pockets of indigenous armed resistance. And finally, visual anthropology came to the fore as a formally recognized academic enterprise in the 1960s, when portable synchronous-sound cameras were introduced and educational uses of television became ubiquitous. Not coincidentally, mass media expedited the rise of “Red Power” activism, which found inspiration in the romantic pictures of the past in its drive for native rights and cultural revitalization.

As the earliest and most photographed and filmed tribal peoples in the world, North American Indians have been profoundly and variously affected by visual media. Probably the first natives to be placed in front of the camera were a group of eleven Iowa Indians touring England where they performed ceremonial dances in their exotic Great Plains outfits. A daguerreotypist captured their image in London in early 1845 (Wedel, 2001). In September 1894, half a century later, William Dickson filmed a group of northern Plains tribesmen “in full war paint and war costume” performing a “ghost dance” in Thomas Edison’s small experimental film studio in New Jersey. Only four years earlier, federal agents had prohibited the actual dance and, fearing its messianic fervor, brought it to a violent end at the Wounded Knee massacre of 1890.

Since these pictorial firsts, cameras have never stopped clicking or rolling, capturing portraits, ceremonies, and countless other aspects of American Indian life. By now, the number of pictures taken of Indians is inestimable. And the number of films, some only a few minutes long and others running several hours, can be counted in the thousands.

American anthropology has deep historical roots in the systematic study of North America’s indigenous peoples and cultures. Long categorized as “primitives,” American Indians became the object of an early (and important) anthropological practice known as salvage ethnography, which spawned the production of many of the most significant visual records of indigenous North America. Other records were produced for purposes of physical anthropological or cross-cultural research on anthropological themes such as styles of non-verbal communication.

Tracing the beginning of visual anthropology to the mid-19th century when the practice of anthropological camera-use began, this chapter focuses on the visual documentation of indigenous North America for research, teaching, and cultural preservation, in particular photographs, films, and videos. It provides a historical review of changing perspectives on anthropological use of cameras, takes into account technological innovations, and links these changes to some major theoretical trends in the development of the discipline, suggesting a dynamic relationship between anthropological paradigms and visual media. Although the dividing line between ethnographic and commercial or other visual media is blurred at best, attention is drawn to problems of ethnohistorical interpretation involving visual media produced for the sake of salvage ethnography, composed as cultural reconstruction, or fashioned in the spirit of a historic romanticism that reflected white dominant society’s primitivist ideology of the “vanishing race.” In addition, this chapter offers some reflections on the inherently unstable nature of imagery and briefly surveys indigenous use of cameras.

This chapter also describes visual media’s cultural and psychological impact on indigenous North Americans as internally colonized peoples within a larger hegemonic order. Objectified via technologies and values not of their own making, North American Indians themselves partook in the formation of a new media environment simultaneously pervaded with realistic imagery of their cultures as they actually exist(ed) and with fictional imagery representing an imagined “Indian” world that never was. In photography’s early years, few could have imagined its transformative power – including the fact that under ethnocidal conditions of internal colonialism and constant exposure to the phantom reality of modern media, a generic “pan-Indian” cultural identity would emerge among so many disparate cultural

groups. This chapter marks out some of the ambiguities of this still-unfolding dialectical process, examining the ways contemporary indigenous individuals and groups, as well as tribally enrolled scholars (including anthropologists), are tapping the visual archives for ethnographic materials, cultural feedback, neotraditional play-back, and even political advocacy. The final part of this chapter examines modern indigenous visual media-making and the role of the world wide web, and offers a few observations of and reflections on the agency of visual media in cultural revitalization movements in “Indian Country” today.

PRIMITIVISM AND SHADOW-CATCHING: 1840s–1850s

The production of photographs and films depicting indigenous North America was initiated almost exclusively by non-Indians for non-Indians. Profoundly implicated in the asymmetrical power relations of colonialism, this monopoly reflected and fueled Euro-America’s mythic construct of primitivism (see chapter 18). Imagining Indians as natural “savages” roaming a primeval wilderness, newcomers to North America thought of the continent’s first peoples as the exotic antithesis of “civilization.” Whether represented as pagan brutes in a “howling wilderness” or as noble savages in an earthly paradise, they were seen as destined to be destroyed in the name of “progress” – hence the myth of the “vanishing Indian,” which became popular in the early 1800s as a romantic icon of imperialist nostalgia. It so happened that tribal delegations visiting Washington and other cities during that period, ritually equipped and exotically dressed in ceremonial costumes and painted faces, vividly appealed to romantic expectations. Ever since, much of the visual imagery of Indians in paintings, lithographs, photographs, and films has been marked by primitivism.

Romantically inspired by this primitivist myth, the 19th-century American artist George Catlin ventured across the Mississippi in search of the vanishing Indian, and painted hundreds of exotic-looking Plains Indian chiefs, warriors, women, camps, rituals, and hunting scenes. Later, traveling in England with his “Indian gallery” of portraits, Catlin introduced a “wild west” show element to his exhibitions. For this he trained a group of carefully selected white actors “to perform Indian dances, ceremonies and scenes of warfare, all properly garbed in costumes from his collection, with their bodies and faces appropriately painted, and instructed in the red man’s songs and yells and war whoops” (McCracken, 1959: 184, 192). While in London, Catlin encountered a group of touring Iowa Indians from Kansas. Having already painted portraits of some of their fellow tribesmen back in the States in 1832, he incorporated them into his exhibit as “real live Indians,” outfitting them with horses for mounted shows around improvised tents pitched in one of the city’s public parks. During their stay with Catlin in London in 1844–5, the Iowa were sketched, painted, and photographed. The original daguerreotype made of them – the earliest known photographic image of North American Indians – no longer exists, but a fine engraved reproduction of it shows them in their “primitive” Indian outfits (see Wedel, 2001: 442).

A few months later, a Scottish photographer in Edinburgh made a daguerreotype of the Canadian Ojibwe preacher Peter Jones, also known as Kahkewanquonaby (Sacred Waving Feathers). In conformity with the primitivist formula, Jones (son of

a Mississauga Indian woman and a Welsh surveyor) posed holding a ceremonial pipe tomahawk and wearing a mix of traditional Indian and European dress. These first American Indian encounters with the camera are indicative of the complex relationship tribal peoples have had with Western hegemonic visual media ever since.

Associated with sunlight, the early black-and-white photographs were originally interpreted as “the very shadow of the person . . . fixed forever” (Elizabeth Barrett, 1843 letter quoted in Mattison, 1995), and daguerreotypists were described as “busy at work in catching ‘the shadow’ ere the ‘substance’ fade” (cited in Mattison, 1995). When the process of making such realistic but oddly colorless images was explained to American Indians, interpreters probably used this same metaphor, giving rise to the idea of photographers as “shadow-catchers.” Although subjects had to stand or sit motionless during the minute or so of exposure time it took to imprint the image, these early photographic portraits were much faster, cheaper, and more precise than paintings (albeit without color), and soared in popularity during the 1840s and 1850s. Made in urban studios or by itinerant photographers who hauled their tripod-mounted cameras and developing equipment from village to village, daguerreotypes could soon be counted by the millions.

Less than two years after the Iowas had their picture taken in London in 1845, other Great Plains warriors from Kansas – including the famous Sauk chief Keokuk and Iowa chief Natchininga, both portrayed earlier in oil paintings by Catlin – were photographed by an itinerant daguerreotypist in Missouri. Others followed soon thereafter. In 1851, a group of six Canadian Ojibwe who had toured Europe with Catlin in 1845–6 were photographed in their fancy stage dress, which included war bonnets and an accoutrement of snowshoes, tomahawks, bows, and arrows (McCracken, 1959: 192; Rogers, 1978: 767). That same year the U.S. government commissioned a photograph of 19 Arapaho, Cheyenne, Oto, Iowa, and Lakota tribal envoys at the White House to commemorate that year’s treaty at Fort Laramie. Such diplomatic missions became so frequent that “it was proposed that the government commission photographs of these delegations rather than purchase images from professional studios” (Russell, 1998: 124). From then on, photography of North American Indians ceased to be rare.

The daguerreotype remained common until the 1860s, despite the invention of such other photographic procedures as the calotype (1851), ambrotype (1854), and ferrotype or tintype (1856). All of these methods, along with the daguerreotype, shared a shortcoming: they produced singular, one-of-a-kind images. For reproduction they had to be hand-copied and reprinted as lithographs or steel engravings. Photography entered a new phase with the wet-plate process, introduced in the early 1860s and remaining standard until the late 1880s. From glass wet-plate negatives, often 5” by 8” but sometimes as large as 20” by 24”, multiple positive prints could be produced on albumen paper (Russell, 1998: 121).

MUSEUM ANTHROPOLOGY, ANTHROPOMETRICS, PHOTOGRAPHY, AND FILM

Many pioneering anthropologists worked for natural history museums. Interested in American Indians as exotic human specimens widely expected to disappear, along

with their primeval wilderness, these early scholars ranked Indian “savages” and “barbarians” as primitives in the lower and least developed grades of human evolution. As living fossils from a bygone age, their physical remains and cultural heritage were seen as items to be collected, preserved, and publicly displayed as an integral part of the continent’s natural history. Beginning in the mid-19th century, museums became active in “salvage ethnography” and staged ethnological and archaeological expeditions to Indian Country in search of indigenous material remains, prehistoric sites, skulls and bones, funerary objects, utensils, weapons, clothing, and ceremonial objects, as well as vocabularies, myths, and any other relevant documentation. From early on, cameras played a part in these surveys, employed to create accurate visual documentation of a world destined to be destroyed in the name of Manifest Destiny.

It was in the mid-1800s that biological anthropologists in the U.S. first undertook systematic scientific inquiries to determine the “racial” identity of America’s indigenous peoples. Cameras were considered critical for systematically photographing both American Indian skulls and living Indian people (Trachtenberg, 1989: 53; Spencer, 1992: 103–6; S. Cole, 2002). In 1883, for example, Franz Boas photographed Baffin Island (Nunavut) Inuit, having learned to work with a wet-plate camera in Berlin in 1882. In the mid-1890s, he used cameras for his anthropometric and craniometric research among the Kwakiutl, documenting physiological “ethnic” traits by means of head shots posed in linked frontal and profile pairs (D. Cole, 1983: 14, 19, 25). Among the oldest archived photographs of Indians are full-face and profile shots of individuals for anthropometric purposes, as well as skull and naked full body shots. One of the first anthropologists to collect anthropometric photographs in the field was Herman ten Kate. On his 1883 research trip to the Gila River in Arizona, the Dutch scholar visited the San Carlos Apache and had 60 photographs made of these recently pacified Arizona Indians (Hovens, 1989). Instrumental in comparative studies of human populations, anthropometric photography also became valued by government authorities seeking to track, identify, and survey “suspect” populations such as criminals, the insane, and indigenous peoples placed under surveillance as wards of the state (Cole, 2002).

In 1879, the U.S. government created the Bureau of American Ethnology (BAE) at the Smithsonian Institution. Directed by John Wesley Powell, it became a driving force in the collection of ethnographic, linguistic, archaeological, and physiological information about Indians. From the early 1880s, BAE expeditions included professional photographers to document Indian communities, their dwellings, ceremonies, and material culture. Between the early 1880s and late 1920s, many hundreds of beautifully composed studio portraits of tribal envoys visiting Washington, usually in traditional dress, were taken by BAE photographers (Powell, 1903; Holmes, 1907).

Picture-taking truly revolutionized in the late 1880s with the invention of flexible emulsion-coated film. Then, with the 1890 introduction of Kodak’s “hand camera” (or box camera), designed to hold a preloaded roll of 100 exposures, photography quickly became commonplace (Russell, 1998: 130). Moreover, the greater sensitivity of new gelatin-coated silver bromide printing paper facilitated enlarging small negatives (Russell, 1998: 126). Although some early BAE anthropologists such as the brothers Victor and Cosmos Mindeleff had used glass-plate cameras, most field-workers preferred the box camera. It may have been less satisfying in terms of picture sharpness than the glass-plate camera, which continued to be used by professional

photographers, but it was smaller and easier to use in the field. So it was that James Mooney, Matilda Stevenson, Frank Russell, and Walter Fewkes all took this handy instrument on their ventures into Indian Country, where it proved useful in documenting ceremonial dances, sacred rituals, ball games, kiva interiors, weaving, corn-grinding, house construction, etc. among a large number of tribes (Powell, 1891, 1894). Anthropologists George Dorsey and John Hudson undertook similar expeditions for the new Field Museum in Chicago, taking pictures themselves or in collaboration with professional photographers. Their massive documentation projects resulted in thousands of images documenting indigenous life west of the Mississippi around the turn of the century.

ANTHROPOLOGICAL PHOTOGRAPHY AND FILM: 1890s–1930s

While the first generation of self-taught anthropologists began their careers working for museums, those coming after them were increasingly more often academically trained in the discipline and became active in newly founded anthropology departments from around the turn of the century. Almost invariably, the latter did their fieldwork on tribal reservations where indigenous communities were falling apart in the face of disease, poverty, and demoralization brought on by pressures of forced assimilation. While government bureaucrats, Christian missionaries, and many other whites were pushing what they euphemistically referred to as “Indian reform,” many anthropologists felt troubled about this disappearing world and committed themselves to salvage ethnography. They interviewed tribal elders still able to recall the ancestral way of life prior to their reservation confinement, and collected oral histories, traditions, myths, legends, and other information, as well as old artifacts for research, preservation, and public display. In this context, they also identified, photographed, and sometimes even filmed what anthropologist Edward Tylor had termed “cultural survivals.” By the 1890s, anthropological photographs “illustrating the habits and habitations” of the various tribes had become a necessary extension of fieldnotes in collecting artifacts, specimens, etc. (Powell, 1903: xi). However, anthropological camera use had its limitations. Although anthropologists could recreate in their writings the historical realities as recalled by tribal elders, these mental reconstructions could not be observed as actual behavior and consequently could not be photographed or filmed without oral or written explanatory narrative as they really happened. Only by memory-directed replay could tribal history be re-enacted and documented by the camera (Balicki, 1975).

Maintaining a lifelong association with museums after he became a professor at Columbia University in 1895, Boas continued to employ photography (and, later, even film) for documentation and study of indigenous biological variations as well as traditional cultural practices still observable in tribal communities. Many of Boas’ students, including Alfred Kroeber (among Arapaho, Hupa, Yahi, and Yurok), Frank Speck (Innu, Micmac, and Penobscot), Leslie Spier (Maricopa), and Gene Weltfish (Apache, Chitimacha, Hopi, Pawnee, and Pueblo), made professional use of still cameras during their ethnographic fieldwork in Indian Country. Many of Kroeber’s photographs are of Ishi, “last of the Yahi,” who embodied perfectly the myth of the Vanishing Indian (Jacknis, 1996). Kroeber’s students William Duncan Strong

(Naskapi) and especially Samuel Barrett (Pomo, Ojibwe) also engaged in ethnographic photography. Of special significance is Weltfish's photographic method. Researching the problem of "motor habits in art and industry" in the early 1930s, she used her camera to illustrate ethnographic field notes, creating detailed visual records of indigenous production techniques, especially basketry and pottery. Her method later inspired Margaret Mead, also a Boasian, to promote professional use of cameras in fieldwork (Sullivan, 1999: 2, 191–2, n. 3).

While involved with universities, this early cohort of academically trained anthropologists often maintained close ties to museums, which had long been interested in visual images for documentation, displays, illustrated lectures, and anthropological film screenings open to the public. In 1922, a new and well-financed museum opened in New York, the Museum of the American Indian/Heye Foundation (MAI). It hired several anthropologists, including senior BAE scholar Frederick Dodge (who had worked closely with photographer Edward Curtis), who was appointed to lead a museum expedition to the Zuni reservation in New Mexico. In that capacity, Hodge became one of the first anthropologists to direct an ethnographic film, albeit one that created serious controversy and ended the expedition. Titled *Land of the Zuni and Community Work*, it was shot in 1923 as part of a large archaeological excavation and ethnographic documentation project (1916–23) on the reservation. While expedition photographers had already confronted hostility from Zuni villagers, the motion picture camera incited "a near riot at the Shalako dances and [resulted in] the confiscation of the museum's film camera by Zuni religious leaders. This traumatic event ended the outside photography of religious ceremonies at Zuni Pueblo" (Martinez, 1998b: 98, see also 1998a: 39). In addition to the film, "the expedition generated more than a thousand archaeological and ethnological photographs" for the museum, which over the next 50 years acquired about 9,600 still photography negatives and 6,500 photographic prints, as well as more than 300,000 feet of motion picture film (1998a: 39, 41). When the 70-year-old Boas conducted his final fieldwork trip among the Kwakiutl at Fort Rupert through the winter of 1930–1, he filmed tribal dances, games, manufacturing, songs, music, oratory, some shamanic practices, and other aspects of life. As did his anthropological colleagues who used film, Boas viewed this material primarily in terms of research footage and did not have it edited for public screening. In fact, until the early 1940s, few anthropological films were ever edited (Asch et al., 1973: 180). A decade after Boas's death, Bill Holm edited the material into the 1950 educational film *The Kwakiutl of British Columbia* (Ruby, 2000: 55–65).

As a scientifically trained scholar seeking to transform American anthropology into a serious academic discipline, Boas had been unsympathetic toward Curtis's efforts to visually document cultural historical reconstructions as exemplified by his spectacular 1914 film drama, *In the Land of the War Canoes*. Interestingly, his misgivings did not extend to reconstructions in writing – a widely practiced discursive strategy among American anthropologists (Hoebel, 1960: 2).

Paradoxically, since the early 1930s, precisely when visual technology became more sophisticated and versatile, academic anthropologists turned away from both film and photography. While museums maintained their longstanding interest in visual media, more theoretically focused anthropologists active in universities were losing sight of their potential, except (in limited measure) as textbook illustrations, classroom slides,

or educational films. Interested in analysis of social structures, cultural functions, and psychological patterns, they shifted from historical reconstruction, cultural traits, and salvage ethnography to textually conveyed topics difficult to capture visually with the short-take silent-film technology available before the 1960 invention of portable synchronous sound equipment.

VISUAL ANTHROPOLOGY IN RESEARCH AND PRACTICE: 1930s–1960s

As academia began to ignore visual anthropology in the course of the 20th century, federal agencies such as the Bureau of Indian Affairs (BIA) continued to be interested in photography and film for purposes of documentation, policy, and public education. The BIA, for example, had employed photographers and film-makers to create a record of change on the reservation communities in the early 1900s, and continued to do so. One landmark BIA project resulted in the 1913 series of short films titled “Carrying the Flag & A Message of Hope to a Vanishing Race.” Thereafter, the BIA and other federal agencies occasionally sponsored or produced public education films, often directly in support of its assimilation policies. During the depth of the great Depression, under John Collier’s tenure as Indian Commissioner in the Roosevelt administration (1933–45), several anthropologists were hired or contracted by the BIA. Reflecting the spirit of the “Indian New Deal,” they studied the disintegrating impact of forced culture change on reservation communities in order to provide practical advice on how to implement new policies. Even before the 1934 Indian Reorganization Act was implemented, the BIA produced a 36-minute sound film titled *Rebuilding Indian Country* (1933), depicting Menominee Indians in Wisconsin in the lumber industry, as well as Pima farmers, Ojibwe fishnet makers, Navajo shepherds, and so on. In 1935, Mekeel was hired in the BIA’s newly created Applied Anthropology Unit as the BIA’s first full-time anthropologist. A few years earlier, as part of his Yale University doctoral fieldwork among Lakota in South Dakota, Mekeel had documented a “dog roast” and other tribal ceremonies in his 38-minute film, *Lakota Sioux Dance*. In 1936, fellow anthropologist Gordon MacGregor joined the unit. His wife, Frances Cooke MacGregor, was a documentary photographer who embarked on producing a detailed visual record of real life on Indian reservations. In 1941, she published *Twentieth Century Indians*, a collection of about 75 black-and-white photographs depicting current housing, subsistence, wage labor, and surviving traditional cultural practices, accompanied by corresponding text. Yale University anthropology professor Clark Wissler recommended the book in his foreword: “to understand the situation [of repression and survival] we need most of all a realistic presentation of contemporary Indian life, not an idealized interpretive one. Clear, graphic photography can give such a record when the pictures are selected with care” (MacGregor, 1941).

In the 1950s, the U.S. government reversed the New Deal policy in which it had supported tribal self-determination rights and resumed its assimilation policies by putting an end to the special federal status of Indian tribal communities and dissolving their reservations. Complementing this termination movement, the BIA actively encouraged and assisted indigenous families to leave their poverty-stricken home

reservations and relocate to urban areas. In the context of these highly controversial federal programs, some anthropologists began to experiment with visual media for applied anthropological research. For instance, the National Institute of Mental Health sponsored anthropological photographic analysis of indigenous households relocated to San Francisco (Collier, 1967: 81–104). Other anthropologists experimented with photography as a projective tool to evoke responses from their indigenous informants in an effort to determine what they thought would be ideal roles for modern Indians (Collier, 1975: 223).

THE NAVAJO AND VISUAL MEDIA CASE STUDY

Navajos, first filmed in the field by Curtis in 1904, have been of particular significance in the development of visual anthropology, perhaps more than any other group in indigenous North America. In the early 1920s, Harvard University anthropologist Clyde Kluckhohn began ethnographic research on their reservation, an endeavor rare for its visual media involvement during the next few decades. Kluckhohn's student Alexander Leighton and field assistant John Adair continued that effort. Like their mentor, both were actively involved in visual media. Leighton had already filmed *The Porpoise Hunters* in 1936, documenting a Micmac re-enactment of an already obsolete practice in Nova Scotia coast. In the summer of 1937, Adair joined Kluckhohn at Ramah on the Navajo reservation on the recommendation of Ralph Linton, his professor at the University of Wisconsin, from which he had just graduated. The following year, Adair did research in the Navajo community of Pine Springs, where he filmed daily activities and traditional blanket weaving techniques. A few years later, Kluckhohn participated as an expert in psychological anthropology in a BIA-sponsored Indian education research project, evaluating the effectiveness of its administrative policies on Indian reservations. In this context, Kluckhohn co-produced a 31-minute black-and-white 16-mm film on Navajo child development, *Family Life of the Navajo Indians* (1943). Several years later, he worked on another ethnographic film project, *Painting with Sand (A Navajo Ceremony)* (1949). Shot in color with a silent camera and produced by Viking Pictures Corporation for *Encyclopedia Britannica*, this 12-minute education film depicts a Navajo healing ritual in a ceremonial hogan. Sound of Navajo singers was later added, as was the ethnographic narrative.

After the war, Kluckhohn co-authored an anthropological photography book with his colleague Evon Z. Vogt, titled *Navaho Means People* (1951), with pictures taken by *Life* magazine photographer Leonard McCombe. Meanwhile, Leighton and Adair had both earned their doctorates and became colleagues at Cornell University and – rare among academic anthropologists at the time – explored the possibility that visual media could be used for cross-cultural research. At Cornell, documentary photographer John Collier, Jr. (son of the BIA's former director) joined them. He first worked with Leighton on a photographic analysis of communities in Stirling county, Nova Scotia, in 1948, pioneering the use of ethnographic photography in surveying visible schemes of community cultures which were “being studied for the epidemiology of mental disorder” (Collier, 1975: 215). In the next five years, Collier was involved in Navajo acculturation research, taking about 1,000 photographs of Navajo

domestic and subsistence activities (Doty et al., 2002). Using newly developed photo elicitation techniques, the researchers showed Navajos photographs of selected cultural features and solicited responses from them in order to configure their tribal worldview. John Roberts, a Harvard anthropologist coordinating a comparative research project directed by Kluckhohn, also photographed Navajo households in 1951, making a detailed cultural inventory of hogans on the reservation near Ramah (Roberts, 1951).

In the mid-1950s, Adair and a group of fellow anthropologists and other scholars interested in “the multi-communicational content of filmed behavior” convened at the Mental Research Institute in Palo Alto, California, where they agreed that “structures in bodily communication could be recorded that were comparable to those found in language” (Lomax, 1975: 306). In 1966, Adair returned to the Navajo reservation for a visual anthropological experiment in the semiotics of visual communication. Now a professor at San Francisco State University, he collaborated with communications specialist Sol Worth and tested the Sapir–Whorf hypothesis of linguistic relativity (see chapters 7, 25) by training seven Navajos at Pine Springs in elementary 16-mm film-making techniques “to show us how they see their world, and to present and use a method of analyzing films in their cultural context as a communicative mode” (Worth and Adair, 1972: 141; Chalfen, 1992). Each short film, shot and edited by these Navajo themselves, was then analyzed as ethnographic text. Richard Chalfen (1992: 227–8), at the time an undergraduate assistant on the project, later explained that the Navajo had “selected processes and products that were immediately familiar, including rug weaving, silversmithing, giving a curing ceremony and making a shallow well.” Later analyzing these indigenous-made films, Worth and Adair (1972) found that they all “shared a pattern of narrative characteristics unlike that found in first films made by Anglo-Americans [and compared these structures with] narrative styles that characterized Navajo myths, folktales and storytelling in general.” Noteworthy, they thought, was “the unusual amounts of Navajo footage given to scenes of walking – unusual, that is, to Western eyes, expectations, and conventions of documentary film narrative.” According to Chalfen, these scenes “emphasised an event or act in itself, rather than . . . a bridge between activities. Worth and Adair [explained] this finding by relating it to the Navajo ‘extreme sense of motion’ [1972: 204], of ‘eventing’ . . . and to a narrative style characteristic of many myths, tales and stories that emphasise travel and where the ‘long journey’ is a central theme [1972: 205].” Commenting on the project’s significance for visual anthropology, Karl Heider (1976: 43) later concluded: “The most valuable aspect of the project was to raise the question of the culturally specific nature of films.”

In the 1980s, Adair returned again to Pine Springs, bringing with him another film crew in order to document four generations of Navajo family life and culture change. Incorporating his 1938 footage, the newly filmed material was edited into the documentary *A Weave of Time* (1986). Meanwhile, other film crews had also been active on the Navajo reservation, including a team from the University of California, Berkeley, directed by Samuel Barrett, the first anthropologist to earn his doctorate under Kroeber. Both in their early eighties, Barrett and Kroeber founded the American Indian Films Project (1960–3). After Kroeber’s death that same year, Barrett partnered with film-maker Clyde Smith with whom he produced 15 color films in the genre of salvage ethnography, documenting traditional subsistence practices, arts, and

crafts among various indigenous groups inhabiting California and the Pacific Northwest. In 1963, Barrett and his team traveled to the Navajo reservation to detail four major tribal ceremonies, including the well-known *yabachi* ceremony (first filmed by Curtis in 1904). Perhaps because of Barrett's death in 1965, the 46,000 feet of film depicting these Navajo ceremonies was never edited into a finished product (Collier, 1967: 126).

Finally, building on the idea that visual media provide opportunities for cross-cultural research in patterns of non-verbal communication, Columbia University ethnomusicologist Alan Lomax focused on "film as data for a comparative study of cultures in terms of their movement style," or choreometrics. Presenting selections of more than 50 tribal dance traditions from the Arctic Circle to Tierra del Fuego, his film *The Longest Trail* (1986) contends that these can be traced to their historical roots in Siberia.

DECOLONIZING ANTHROPOLOGY AND INDIGENIZING VISUAL MEDIA: 1960 TO THE PRESENT

An important breakthrough for documentaries as well as anthropological films occurred in 1960 with the invention of portable synchronous-sound 16-mm cameras. Combining color and live sound, this equipment allowed the film-maker much greater flexibility in shooting and transformed the cinematic quality and style (Loizos, 1993: 66). This technology made it possible to develop a new style of unscripted documentary film-making known as direct cinema or *cinéma vérité*. In conformity with the ideal of fieldwork as neutral "fly-on-the-wall" observation, anthropologists shooting with these new cameras came to favor this "truthful" style. Thought of as mimetic of anthropological practice, it also became known as observational cinema, prescribing "the uncut shot, the long camera take, supported by the actual location sound and little more than a few times and dates." This, visual anthropologists suggested, would "allow events to speak for themselves, and to yield up their significance" (Banks, 1992: 122). With an "emphasis on objectivity, neutrality and transparency" (Crawford, 1992: 73), observational films became "the jewels in the crown of the ethnographic film canon" (Banks, 1992: 124).

In 1960, Margaret Mead, curator at the American Museum of Natural History and adjunct professor of anthropology at Columbia University, was elected head of the American Anthropological Association. In her presidential address "Anthropology among the Sciences," she pressed anthropologists to make more effective use of visual media. She and a small cohort of fellow visual anthropologists were primarily interested in observational films, in the name of what they called "urgent anthropology." Emphasizing the objective, "value-free" research quality of cross-cultural visual documentation, they did not appreciate visual media in terms of indigenous empowerment. In fact, few anthropologists sought to reconcile the scholarly ideal of value-free research with ethical concerns for the deplorable cultural condition of North America's disintegrating tribal communities. There were exceptions, however. Sol Tax of the University of Chicago, for instance, developed what he called "action anthropology," based on his long-term fieldwork with the Meskwaki Nation (Fox) in central Iowa (see chapters 23, 24). While visual media did not play a significant role in

this type of socially committed anthropological research, film-makers involved in the documentary genre pioneered by British film-maker John Grierson did acknowledge the agency of visual media and harnessed their ideological power to challenge injustices and improve the human condition. One of the earliest such documentaries focusing on American Indian issues was *The Exiles*, detailing the devastating impact of the federal relocation program forcing Indian reservation families to assimilate to the urban jungle of Los Angeles in 1959–60. Reviewed five years later in the *American Anthropologist*, and indicative that times were changing regarding both the ethical obligations of anthropology toward Indian people and the attention of anthropologists in general to the value of ethnographic film, the film's reviewers Rosalie and Murray Wax (1965: 1079) wrote: "perhaps no medium of expression offers so powerful an assertion of human dignity as a great documentary film."

About the same time that *The Exiles* was released, Tax coordinated the American Indian Chicago Conference in 1961, attended by representatives from 90 tribal nations. Their "Declaration of Indian Purpose" marked an important stage in the emergence of a pan-tribal Native American consciousness (reproduced in Josephy, Nagel, and Johnson, eds., 1999 [1971]: 13–15). With most visual anthropologists focused on the last surviving "primitives" in distant lands, North American Indian activists adapted to the new electronic environment of mass media, formulated their own urgent agenda, and set out to challenge the white establishment that monopolized the study and representation of Indians. Like many others, they were swept up in the ideological crisis within modern industrialized society in the 1960s. Capitalizing on the emerging counterculture, which opened up alternative discursive space, a group of militant urban Indians proclaimed Red Power (see *ibid.*, *passim*). With the growth of television, demand for visually compelling stories grew. Documentary film-making thrived in the climate of mass demonstrations, street protests, and riots taking place in America's cities, which coincided with decolonization struggles and revolutionary movements abroad. Drawing from the age-old Western primitivist formula and its associated romantic imagery, radical indigenous activists turned to camera playback to get payback: reclamation of native rights, native lands, and native pride.

For obvious historical reasons, the 1890 massacre of Lakota ghost dancers at Wounded Knee, South Dakota, is important as the finishing stroke of the Plains Indian wars. Emblematic for the enduring image of "the vanishing Indian," this tragic event has been commemorated ever since, in paintings, photographs, and re-enactments staged before cameras. William "Buffalo Bill" Cody, for instance, recreated this epic "battle" for his five-reel thriller *The Indian Wars* (1913), staging a massive re-enactment that involved real U.S. Cavalry troops and about 1,000 Plains Indians (many of whom had been captured Lakota ghost dancers). Precisely 60 years later, the American Indian Movement (AIM) selected Wounded Knee for its dramatically militant confrontation with the U.S. government. Keenly appreciating the dynamics of visual agency in a modern media environment, AIM leader Russell Means, an urban Oglala Lakota with tribal roots at the Pine Ridge reservation, South Dakota, and his cohort orchestrated a spectacular protest against internal colonialism and repressive federal policies in the U.S., directly appealing to cameras. Broadcast worldwide, this guerilla theater especially stirred passions in Indian Country, inspiring many indigenous individuals and groups in their quest for self-determination and cultural revitalization. Although controversial at the time, this

spectacular Indian show of Red Power has become the subject of several indigenous rights documentaries, including *The Longest War* (1974).

Although the first American Indians known to take up still photography did so by the early 1900s – George Hunt (Kwakiutl), Richard Throssel (Cree Metis/Crow), Horace Poolaw (Kiowa), and George Johnston (Tlingit), to mention some of the better-known native photographers – indigenous involvement in documentary filming came much later. Significant involvement took off in the mid-1970s as video equipment became more widely available and affordable. In an intervention that paralleled the postcolonial move to “write back” against colonial masters, Indian activists began to “shoot back,” reversing the colonial gaze by constructing their own visual media, telling their own stories on their own terms. Committed to treaty rights, sovereignty, and cultural reclamation, they employed visual media to stir public awareness of the need to address a host of wrongs with justice through land claims, hunting and fishing rights, religious freedom, language preservation, repatriation of artifacts, and reburial of ancestral remains. Although many indigenous-produced films detail a particular native rights case, some focus on the life history of an exemplary tribal leader, elder, or otherwise distinctive individual showing the personal side of the struggle for survival. Several dozen indigenous individuals have produced hundreds of documentaries since the early 1970s. Even some tribal nations have become active in the production of visual media. For instance, the Muscogee Creek Nation Communications Center has produced a 17-program series titled “Creek Nation Video.”

Indigenous activists, aiming to generate their own media about their own people, were sometimes aided by non-native specialists, including “advocacy” anthropologists and other scholars interested in issues such as community building and indigenous rights advocacy. Canada’s national film board (NFB) played a crucial early role. Founded in the late 1930s by British film-maker John Grierson, who had defined the documentary as “the creative treatment of actuality,” the NFB continued Grierson’s vision of film as an agency of social change. This activist agenda of the documentary inspired its “Challenge for Change” program in the late 1960s. Directed by film-maker George Stoney, it also trained young native Canadians in making documentaries, starting with the 16-mm film *You Are on Indian Land* (1969), directed by Mike Mitchell, a Mohawk from Akwesasne. In this documentary, followed by many others, made by indigenous as well as non-indigenous film-makers, the camera turned into an agency for indigenous rights. Since then, there have been numerous documentaries focusing on sovereignty, land claims, and other native rights beginning with the Pit River Indian land claims in northern California in *The Dispossessed* (1970), followed by dozens of similar cases all across Indian Country.

During the past few decades, quite a few native film-makers, including George Burdeau (Blackfeet), also attended the Anthropology Film Center in Santa Fe, New Mexico. Founded by Carroll and Joan Williams in 1965, and academically accredited, it offers an intensive nine-month training in ethnographic and documentary filmmaking, with a special emphasis on multicultural understanding and cross-cultural communications skills (Singer, 2001: 35). In 1975, disturbed about mass media falsely demonizing or romanticizing them, spinning an ideological web of lies and alien fantasies around their communities, indigenous activists organized the first American Indian Film Festival. Initially sponsored by the United Indians of All Tribes

foundation, this annual festival organized by the American Indian Film Institute in San Francisco screens “worthy” Hollywood features and independent films or documentaries which accurately (and positively) represent indigenous subjects, with a special emphasis on “Native cinema” involving American Indian actors, writers, directors, and producers. Several other major film festivals have been institutionalized, screening documentaries and features by and about indigenous North Americans. For instance, the Museum of the American Indian/Heye Foundation (now the National Museum of the American Indian, Smithsonian Institution) has annually organized an important Native American Film and Video Festival since 1979.

Indigenous film-makers often focus on documenting contemporary issues such as cultural reclamation, spiritual revival, economic exploitation, conflicted race relations, forced relocation, natural resource control, and competing land claims. For instance, in the wake of the 1978 American Indian Religious Freedom Act, Houma film-maker Chris Spotted Eagle completed several documentaries, including *The Great Spirit within the Hole* (1983), which documents Indian inmates struggling for their religious rights in prison. That same year saw the release of films detailing spiritual features in the landscape, including *Hopi: Songs of the Fourth World* (1983), followed by *Makoce Wakan: Sacred Earth* (1993), *Wabanaki: A New Dawn* (1997), and *In the Light of Reverence* (2001). Occasionally, indigenous communities collaborate with visual anthropologists. One example of successful cooperation based on long-term fieldwork is the anthropological documentary *Our Lives in Our Hands* (1986). This film, sponsored by the Aroostook Band of Micmacs, details the living conditions and challenges of this landless and poverty-stricken group in Maine. Illustrating the agency of visual media, it was instrumental in assisting this small community to obtain political support in a successful quest for a tribal landbase and federal recognition of its tribal status (Prins, 2002).

Several indigenous scholars have written academic studies concerning Indian stereotyping in films (e.g., Churchill, 1998; Deloria, 1998), and a few native film-makers have addressed this vexing issue in their documentaries, including Phil Lucas (Choctaw), who made a five-part video titled *Images of Indians* (1980), Victor Masayesva (Hopi), maker of *Imagining Indians* (1992), and visual anthropologist Beatrice Medicine (Standing Rock Sioux), who co-produced a fascinating perspective on Lakota observing Russians “playing” Indians in *Seeking the Spirit, Plains Indians in Russia* (1998) (for a concise overview see Weatherford, 1994).

In their quest for indigenous rights and cultural survival, indigenous peoples recognize the political significance of cultural history and have discovered and are reclaiming old photographs and films depicting their ancestral peoples and cultures. Paradoxically, the colonial practice of salvage ethnography and the romantic trope of the “vanishing Indian” have resulted in a vitally important visual legacy now welcomed by native cultural activists as a means to restore a sense of modern Indian identity with continuity with the past. Illustrating the primitivist perplex (Prins, 2002), this visual trope not only inspires their own demoralized and disintegrating communities into action but also provides them with an ideological vehicle to stir elements in the dominant (white) society into action on their behalf. Not always agreeing that this discursive self-differentiating is compromised by the very same hegemonic colonial complex they are seeking to shake off (see chapters 18, 19), North American Indians are now putting these images to work in the cultural

revitalization of their communities. This illustrates the critical point that photographs and films are open to multiple, often shifting and even conflicting interpretations, especially when crossing cultural and temporal boundaries. Indigenous peoples today assert their own signifying privileges. Determined to decide for themselves what these images *mean* to them, they reclaim these romantically “exotic” images, however manipulated or distorted, as authentic records of their Indian identity (Horse Capture, 1993). Precisely because all elements of Euro-American “civilization” were “erased” from dramatically staged historic photographs by Curtis and others, native people can welcome these images into their lives, hang them in homes and tribal offices, edit them into their films, and post them on their websites, perpetuating a mythistory set into motion when they first encountered Europeans on their soil. The recent documentary *Coming to Light: Edward S. Curtis and the North American Indians* (2000), which explores a wide range of contemporary indigenous reactions to Curtis’s oeuvre, beautifully illustrates the cross-cultural and historical dynamics of visual media and their agency. In this film, a Canadian Piegan tribesman recounts his emotions when first seeing one of Curtis’s pictures of a Piegan Sundance hanging at his band’s cultural center in the mid-1970s. It not only moved him emotionally but also spurred him into resurrecting this ceremony on his reserve. Since then, these Piegan have held their sundance every summer (Makepeace, 2000).

Indigenous visual media productions are supported by educational organizations such as Native American Public Telecommunications. Founded in 1976, it has gained considerable influence over the way indigenous peoples in North America are publicly represented by funding, producing, distributing, and broadcasting indigenous-made visual media (Prins, 2002). Since the 1990s, digital developments in visual media and mass communication have had a significant impact on North American Indians. By means of lightweight digital cameras, video disks, and especially the world wide web, it has become relatively easy to record, transmit, and share visual information.

With a myriad of Native websites, indigenous people now daily venture into this new virtual world for global networking, information sharing, marketing, and political action, as well as other functions (see Zimmerman, Zimmerman, and Bruguier, 2000). Although many indigenous households and poor groups do not yet benefit from Internet connectivity, even the most remote and isolated tribal communities equipped with computers and satellite hookup can be linked through the Internet to the world’s major museum collections, historical archives, and other repositories of written, visual, and auditory documents (Prins, 2002). Trying to close the digital divide, the National Congress of American Indians is now assisting indigenous groups with its “tribally-driven telecommunications policy” (see National Congress of American Indians). With Internet access, they have the opportunity to identify and retrieve written and visual records relevant to their tribal cultures, past and present. Recently, the Navajo Nation donated funding to the National Anthropological Archives to support the high-resolution digitization of more than 1,100 Navajo photographs in the archives, including historic vintage prints and glass-plate negatives made since the 1880s by BAE anthropologists and photographers. These precious images, archived in Washington for more than a century, now find their way back in digital format to the Navajo reservation. Similar efforts are under way elsewhere in Indian Country.

Finally, given their long experience with mythistory, blurring fact and fiction, it is not surprising to see indigenous activists move back and forth between the real and the reel. Continuing a performance tradition stretching back to Sitting Bull and Black Elk in the 1880s, and even before, some of AIM's most visible leaders have accepted prominent Hollywood film roles. For instance, Russell Means played Chingachcook in the latest movie version of *The Last of the Mohicans* (1992), and John Trudell (Santee Sioux) played in several feature films, including *Thunderheart* (1992), and appears in the documentary about imprisoned AIM activist Leonard Peltier, *Incident at Oglala* (1992). Both have their own websites in cyberspace, and from his phantom world Trudell tells us: "Crazy Horse didn't want his picture taken because he didn't want it to capture his spirit. Me, I'm gonna use my picture to carry mine."

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CHAPTER 27 Archaeology

Larry J. Zimmerman

Tradition-oriented American Indians know who they are and where they came from, but for archaeologists, Indian pasts are not always so clear. Consider statements made by both Indians and archaeologists. Esther Stutzman, a Coos, saw the matter this way during a discussion about reburial of skeletons in the mid-1980s: “The past is obvious to the Indian people, but it does not appear to be obvious to the white man” (Ross and Stutzman, 1985: 6). Prairie Potawatomi Chick Hale clearly stated the problem even earlier: “We know much about our past through oral traditions. Why do archaeologists study the past? Are they trying to disprove our religion? We do not have to study our origins. I don’t question my teachings. I don’t need proof in order to have faith” (Anderson et al., 1980: 12–13).

On the other hand, some archaeologists often echo Clement Meighan who wrote that “the archaeologist is defining the culture of an extinct group, and . . . writing a chapter of human history that cannot be written except from archaeological investigation. If archaeology is not done, the ancient people remain without a history and without a record of their existence” (Meighan, 1985: 20). Some archaeologists, such as Ronald Mason (1997: 3), have taken a more extreme position, contending that science “by its very nature must challenge, not respect, or acknowledge as valid, such folk renditions of the past because traditional knowledge has produced flat earths, geocentrism, women arising out of men’s ribs, talking ravens and the historically late first people of the Black Hills upwelling from holes in the ground.” To be sure, these statements are at the extremes of a continuum, but they represent a real divide about how the American Indian past is known and understood. Inherent in the statements are questions of religion versus science, faith versus evidence, and Indians versus archaeologists. These questions are at the core of acrimony, rancorous debate, compromise, and legislation regarding American Indian skeletal remains and grave goods that has now extended over more than three decades. These issues are not confined to American Indian concerns about control of their pasts, but are part of

broad concerns expressed internationally by indigenous peoples and members of other descendant communities over cultural, intellectual, and heritage property rights (see chapter 20).

This chapter will examine the history of relations between Indians and archaeologists, will consider core arguments of both groups, and will look at key epistemological misunderstandings. The chapter will also assess the status of relationships between American Indians and archaeologists at the start of the 21st century, as well as prospects for the future. Although archaeology did not exist as a discipline at the time of contact between Europeans and Indians, the problems had roots in that era with the enigma that the very existence of Indians presented to European scholars of the day.

WHO WERE THE INDIANS AND WHERE DID THEY COME FROM?

For American Indians, the idea that Columbus discovered America has been something of a sick joke. Still, for Europeans the intellectual impacts of the existence of a continent previously unknown to them were astounding. New lands, new species, and especially new peoples posed lots of unanswerable questions: What were they? Where did they come from? How long have they been here? Europeans had difficulty finding answers mostly because they had no models for even formulating appropriate answers. Epistemologically – how they knew what they knew – they were only just coming out from the Dark Ages and were mostly prescientific. What they knew was based on theological models of explanation. Essentially, if something wasn't in the Bible, it had no real explanation.

So it was in the case of their encounters with the Indians. Who were they? Where did they come from? Did God create them? Were they even children of God, or were they the spawn of Satan? So difficult were these questions that Europeans were unable to say even that Indians were human beings until given that status in the historic Papal Bull of Pope Paul III in 1537! The implication of this answer, of course, was that the Indians were to be Christianized, with all its eventual ramifications. In terms of origins, however, it drew Indians into the realm of theological explanations, starting explanations of their pasts that still have echoes today in The Church of Jesus Christ of Latter Day Saints (the Mormons). In essence, the Bible had to be a starting point to explain Indian existence, providing an origin for what Willey and Sabloff (1980) have called the Speculative period in American archaeology, from 1492 to 1840.

Explanations of Indian origins flowed freely. European scholars had no real notions of time, space, and culture on which to base their hypotheses, so speculation was rampant. A favorite was that Indians were the Lost Tribes of Israel, but others posited that they were survivors of the Lost Continent of Atlantis. As far back as 1590, some did see Indian connections to Asia, but there was no satisfactory explanatory mechanism to place them in America until James Cook mapped the Bering Straits in 1637, the rather short distance between the continents now made clear.

DESTROYING THE MOUNDBUILDER MYTH

In the meantime, another more persistent myth developed that still has many believers. As Euro-Americans explored the interior of North America, they encountered numerous earthworks, some of them burial mounds with elaborate grave goods, while others were elaborate geometrical shapes or huge truncated pyramids. Opinion arose that the “savages” who were living in the area could not have erected them. Therefore, they must have been built by a civilized race, the Moundbuilders, that disappeared, perhaps even wiped out by the Indians who must have arrived later. Traced by Robert Silverberg (1968) back to 1785, the Moundbuilder myth provided a convenient rationale for Manifest Destiny. The idea, of course, was that these sophisticated engineers were white, perhaps even of European origin. Thus rampant speculation had the Celts, Celto-Iberians, Libyans, Vikings, Phoenicians, Egyptians, and just about anyone else coming across the Atlantic and settling. Why was this idea so appealing?

Silverberg provides a number of reasons. He suggests, first, that Euro-Americans had a need for a heroic past that would resemble that of Europe. The colonists were in one sense a “people without a history,” mostly those who had abandoned Europe for religious, political, or economic reasons. In one way or another, many of them were marginalized in Europe. At the same time, those living in Europe thought that something must be wrong with the environment in America to cause such perturbations as the Revolutionary War. However, probably as important was the need to have a “white” history to claim the land from its current inhabitants, the Indians, this view a precursor to Manifest Destiny. A second reason was the relative comparison of the mounds and earthworks to the pyramids of Mexico. There were good accounts of the construction of the Central American pyramids, but how could the Indian people they saw in North America have built such grand structures? In one sense, this view was understandable. Euro-Americans were seeing a people who had been moved out of homelands, decimated by disease, a mere “shadow” of their former cultures. Finally, Euro-Americans paid little attention to the traditions of Indian peoples. That would come later, and those traditions included longstanding practices of mound-building.

Willey and Sabloff discuss a parallel development of an incipient scientific tradition as speculation about Indian origins grew, founded in three trends. One was a Latin American emphasis based on chronicles of the conquistadors and their priests, essentially administrative “spin-off” of the Conquest, largely in the 16th and 17th centuries. A second was a series of explorer and traveler accounts of the interior of North America and Latin America. Many of these had a natural scientific tone with detailed ethnographic descriptions as well as information about archaeological sites. With this approach, Indians were treated as natural objects, still reflected today in the placement of Indians within museums of natural history rather than in museums of history. Finally, there was an almost ephemeral trend that expanded after 1840 toward the development of archaeology as a science, with the beginnings of systematic excavation and survey of archaeological sites.

During the late 1800s, scholars struggled to bring archaeology into a professional, systematic, scientific discipline, fighting the intellectual trends of the speculation that

did not go away immediately (or *ever*, actually!). Advances from European science, especially within geology and evolutionary theory, came into play. Westward expansion brought additional discoveries and data about archaeological sites, with work sponsored by universities, museums, scientific societies, and the government. With this came a link between archaeology and anthropology that remains today, largely because of the efforts of both to answer questions about American Indian origins.

The questions of who Indians were and who had built the mounds proved so dominant that when the Bureau of American Ethnology (BAE) was established in 1879 within the new Smithsonian Institution, a sum of \$5,000 was earmarked for investigating the matter. The BAE Director John Wesley Powell had encountered many Indian tribes on his western travels, and like many, viewed Indians as a disappearing race. His notion was to salvage as much information as possible about Indians before that happened, so he hired a number of individuals, such as Lewis Henry Morgan, to do “salvage ethnography” (see chapter 23). With the \$5,000 for Moundbuilder research, he hired Cyrus Thomas to become Director of Mound Exploration in 1882. Thomas hired many workers to survey and map mounds across the eastern United States, and he made a point of examining both historical records and oral tradition. What he found, and published in the 12th Annual Report of the BAE for the year 1890 (but published in 1894), destroyed the Moundbuilder myth for all serious scholars.

What Thomas and his colleagues found was that the number of mounds and other earthworks was vast. The human remains they contained could not be differentiated from American Indian remains, and grave goods could be linked to materials produced historically by Indian tribes. There were accounts from early Spanish explorers that documented Indians in the Southeast building mounds, and there were oral traditions from the tribes that discussed mound-building. Aside from hoaxes, there was no evidence to support the existence of a race separate from American Indians.

The Moundbuilder myth and its overturning are important for reasons worth emphasizing. The myth partly resulted from a Euro-American desire for a white history of the continent and became linked closely to notions of Manifest Destiny. Early archaeology tried to prove that the Moundbuilders existed as a race distinct from American Indians, and thus became a tool of colonialism, part of the rationale used to remove Indians from their lands. If whites were on the land before Indians, and if Indians drove them from the land, then driving Indians from the land was justifiable, an idea still echoing in the late 1990s in the Kennewick skeleton debate, discussed below. Debunking the myth brought a close linkage between anthropology and archaeology in North America, both intimately tied to the study of American Indians. The anthropological idea of doing salvage ethnography in particular helped to promote the idea that Indians would eventually die out, which, of course, never came to pass (see chapter 2). Thomas’s work also demonstrated the utility of using a combination of tools – excavation, ethnography, history, and oral tradition – for answering questions about Indian origins. Much that is evident in the critique of the myth resonates in the relationships of American Indians to archaeology today, but in the ensuing century many questions remained to be answered.

HOW LONG HAVE INDIANS BEEN HERE?

The first two-thirds of the 20th century provided detailed information on American Indian cultures, but surprisingly, questions about origins did not get answered conclusively. Although there was recognition that Indians had been responsible for the ancient remains found across the hemisphere, there was no scientific way of knowing the antiquity of human habitation in the “New World.” Finally, in 1926, near Folsom, New Mexico, archaeologists found and verified the context of a lance point in direct association with an extinct species of bison, proving habitation at least sometime in the Pleistocene geological epoch – the Ice Ages. Precisely how old the site was, however, was still unknown. More such finds soon appeared, associated with even earlier extinct megafauna, such as mammoth. In these cases, before modern dating methods, archaeologists were forced to use principles of stratigraphy from geology to put relative dates on artifacts and archaeological sites: when artifacts or sites were found, those from deeper layers or strata could be assumed to be older than the ones above them, but with no calendrical date. Archaeologists also attempted to use artifact styles to estimate age. Willey and Sabloff (1980) call these older eras of less reliable and accurate dating the Classificatory-Descriptive (1840–1914) and Classificatory-Historical (1914–1960) periods.

Only near the end of the Classificatory-Historical period did chronological questions get answered with the development of radiocarbon dating (C14) in 1949. An antiquity that some considered to be limited now stretched to at least 12,000 years, with indications that it might be longer. Many of the classification schemes got turned on end. Considerable intellectual effort was directed toward the question of Indian origins, and by this time the dominant explanation was that Indian ancestors came from Siberia during the last part of the Pleistocene, migrating across an ice-free corridor, then into southern North America and South America as the ice sheets melted, completing the migration by around 8,000 years ago. Hypotheses about origins, however, were only part of a burgeoning body of new information and new thinking about Indians from archaeology and anthropology.

During the 1930s, the Depression saw the emergence of federal programs for generating employment, including some work in archaeology. After World War II, additional federal money went into salvage of archaeological sites about to be damaged or destroyed as part of dam-building and other government construction projects. The amount of archaeological information on Indians expanded dramatically, filling in many gaps in knowledge of culture histories in many regions. In anthropology, ethnographic research provided detailed information about traditional lifeways. All this new information demanded at least an organizational framework, if not an explanatory mechanism.

Out of efforts to understand all the diversity in the archaeological and ethnographic record, anthropologists devised a “culture-area” approach, with tribes essentially adapting all aspects of native culture to the ecology (see chapter 1) of a region. From this came the familiar “culture areas,” such as Plains, Woodland, Southwest, and so on, and the explanatory model was labeled “cultural ecology” in which a culture adapts to the natural and cultural environment around it. As environments change, so do cultures. Thus, in pre-contact times, one could track the changes

archaeologically through time in a region. As climate changed or as groups migrated into or out of an area, local cultures adapted. Cultures that lived in the same ecological zone at the same time would exhibit similar cultural characteristics. In some areas, where there was environmental stability and little population movement, one could detect little cultural change. Thus, by using what was called the “direct historical approach,” scholars in some areas could move back in time from a group known historically and track the archaeological sequence to an even more distant past.

As with the debunking of the Moundbuilder myth, the earlier (pre-1960) Classificatory periods created trends in archaeology that have an impact on today’s relationship between Indians and archaeologists. The most profound impact derived from the heavy emphasis by archaeology on artifacts as the main source of information for knowing the past. Before radiocarbon dating, the artifact provided the bulk of the information about the people of the past. Archaeologists argued about the details of artifact decoration or manufacture and what these meant for establishing temporal and cultural relationships between groups. As distinct from ethnography (although ethnography has had its own forms of problematic generalization [see chapter 23]), archaeology could rarely see the individual in prehistory, and had to deal with the norms of cultural behavior in a group. Human skeletons were the exception, but the very questions asked of the remains were about the group. What this meant was that archaeology’s emphasis became objects, and the remains, whether human or artifact, were sources of data, “objectified” in every sense of the word, at least to a degree, losing their human contexts and native meanings. As Miller and Tilley (1984: 3) recognize, “archaeology may be held to tend toward ‘fetishism’ . . . [meaning] that relationships between people may be represented as though they were relationships between objects.” This scientific “fetishism” would become a major complaint of Indians about archaeology. The mode of objectification was to become more pronounced with the development of the “New Archaeology” in the late 1960s, roughly coincident with the Civil Rights movements, when Indians began to find a voice about many things in American society, including the way their histories and stories were told by others.

A NEW ARCHAEOLOGY AND NEW INDIAN VOICES

By the early 1960s, a growing dissatisfaction with reconstructing culture histories caused some archaeologists to speak out. They wanted to move archaeology toward being *ahistorical*, that is, toward seeking general principles or laws of human behavior that would cross-cut time and (pre)history. The general theoretical structure came from earlier ideas about adaptation and cultural ecology, and the approach was to become explicitly scientific. Archaeology’s close link to anthropology received substantially greater emphasis. Initially dubbed as the “New Archaeology,” most eventually chose to call it processual archaeology because of its emphasis on explaining the mechanisms and causes of culture change.

In its effort to become explicitly scientific, processual archaeology emphasized scientific method, particularly hypothesis building and testing, leaning toward the tenets of logical positivism. Roughly translated in terms of the archaeological record, positivism would state that there is a single past, knowable through an archaeology

properly done. The tenor of the shift toward this paradigm in archaeology was acerbic and polarizing within archaeology (see Kehoe, 1998 for a discussion), but its fundamental idea that there was only one past and that it could *only* be properly known through archaeology was devastating for archaeological relationships to indigenous people. Taken to its logical conclusion in the quotations from Meighan and Mason at the beginning of this chapter, what strong positivism does is to usurp indigenous voices, saying that only archaeologists are capable of telling valid stories of Native pasts (Zimmerman, 2001).

As processual archaeology was taking hold in the late 1960s, American Indians were finding a voice as part of the general social upheavals of the time. There was a raised social consciousness among Indians about many issues, all aimed at moving toward self-determination (see chapters 12, 14). In 1969, Vine Deloria, Jr. published his *Custer Died for Your Sins: An Indian Manifesto* (Deloria, 1988 [1969]). His parody “Anthropologists and Other Friends” in the book demanded the attention of the academic community regarding their implication for Indian concerns. Activist groups such as the American Indian Movement (AIM) included archaeology on their agenda. As just a few examples, groups fought for the return of the Onondaga wampum belts in 1969 from the State Museum of New York, and AIM disrupted a 1971 excavation at an archaeological site near Welch, Minnesota. Activists requested repatriation of human remains and sacred objects and demanded that others be taken off display as they occupied the Southwest Museum in Los Angeles in 1971. In 1972 AIM members confiscated human bones from Colorado State University. In 1971, archaeologists took Indian remains found in an 1860s cemetery in southwest Iowa away to an archaeology laboratory to be studied while the white remains were immediately reburied. Yankton Sioux activist Maria Pearson demanded equal treatment of the dead, leading in 1976 to the first of many state reburial laws.

Some archaeologists, notably Roderick Sprague in Idaho and Elden Johnson in Minnesota, worked with Indian people and tried with little success to bring their concerns to the attention of the archaeological community. In the aftermath of the takeover of Wounded Knee in 1973, AIM leadership was tied up in the legal system for many years, and concerns about archaeology received vastly less emphasis, but resurfaced by the late 1970s and early 1980s with renewed vigor. The target focused on archaeological treatment of human remains and grave goods.

CONFRONTATION AND COMPROMISE

Efforts to disrupt excavations and to repatriate remains and sacred objects were attention-getting, but hardly changed the outlook of archaeology initially. Most of the confrontation regarding human remains took place in boardrooms and legislatures. The Society for American Archaeology (SAA), for example, was one organization that at the outset fought attempts by Indians to compel repatriation of remains. After meeting with a group from American Indians Against Desecration (AIAD) in 1982, the SAA postponed action for a year, but eventually passed a resolution against reburial. Pressure was substantial, so the SAA organized a conference and supported sessions at annual meetings to discuss the matter. Its position against repatriation

gradually shifted toward eventual support (Zimmerman, 1989). American Indian organizations pushed hard for both state and federal legislation for repatriation.

AIM and the International Indian Treaty Council, which has United Nations non-governmental organization status, used AIAD to spearhead several attention-getting moves. Not only did it push the SAA, but AIAD used the media effectively, and took the concern internationally at the World Archaeological Congress (WAC) in England in 1986 (Ucko, 1987). WAC was a controversial meeting for many reasons, not the least of them the airing of American Indian concerns, but theirs represented larger concerns about representation of Third World and indigenous people in archaeology. Influential volumes from sessions at the Congress, published in the *One World Archaeology* series, contained several papers by American Indians.

The Native American Rights Fund (NARF) put its legal staff to work assisting with drafting LB340, the Nebraska repatriation law, and getting it enacted. NARF targeted the Nebraska State Historical Society (NSHS), seeking the return of Pawnee remains and grave goods in NSHS collections. The NSHS director and some staff fought repatriation, but with the support of more than two-thirds of Nebraska citizens, according to some polls, and determined pressure from the Indian community, the remains of nearly 400 Pawnee were returned and reburied in 1990 (Peregoy, 1992). Nebraska's LB340 became the template for the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, which developed out of several threads in the late 1980s.

NARF and the National Congress of American Indians (NCAI) targeted the Smithsonian Institution collections, which contained about 18,000 human remains, calculating that challenging this very visible organization would bring the right amount of attention to the issue in the U.S. Congress. NARF, NCAI, SAA, and a number of other archaeological and museum organizations began negotiations when Congress suggested that it would solve the problem if the professional community could not. In 1989, the WAC held a very high-profile Inter-Congress on Archaeological Ethics and the Treatment of the Dead in Vermillion, South Dakota, which got international news coverage when it passed the Vermillion Accord, a statement of mutual respect in which the scientists involved agreed to work toward repatriation and indigenous people agreed to the educational and scientific value of the remains. They agreed that consultation should be done whenever archaeology might harm the interests of indigenous people. Canadian and Australian archaeological organizations also chose to adopt versions of the Accord. Within a short time after the WAC meeting, Congress passed the National Museum of the American Indian (NMAI) Act, which started in motion a new national museum to be organized and operated by Indians. Key, however, was that the Smithsonian was required to inventory and repatriate human remains and grave goods that could be genetically or culturally affiliated with American Indian nations.

After the NMAI Act, NAGPRA was enacted in 1990, essentially extending the idea of inventory and repatriation of human remains, grave goods, and sacred objects to all federal agencies and any organization with any level of federal involvement, which included most museums and universities in the country. NAGPRA also required consultation with tribes before any federally connected archaeological research begins. NAGPRA was hardly perfect law. Funding was scarce to assist organizations with their inventories, a time-consuming and costly process, and this delayed

completion of many inventories. Federal rules to implement the law were debated at length, taking nearly five years to be published in the Federal Register, with debates about some issues, such as what to do with unidentifiable remains, going on longer. However, the spirit of the law provided guidance to many, and in fact, there was compromise in many places well before NAGPRA became legally effective.

Nearly 40 state reburial laws were in place before NAGPRA became law, and in many of these states, battles had been fought and compromises had been reached, all of them in some way informing archaeological responses to the matter. For example, California passed a strict reburial law that was tested in court. In reaction to this development as well as to national events, the American Committee for the Protection of Archaeological Collections (ACPAC), an organization committed to fighting repatriation, was organized. ACPAC is still active in fighting repatriation and trying to amend or do away with NAGPRA. At the other end of the continuum, with Iowa's law in place since 1976, such trust had been generated that an Indian advisory committee allowed materials to be studied at length, but with an understanding that they would eventually be reburied in one of four state cemeteries. Tribes that left remains in Iowa prior to historical migrations felt comfortable enough to have the remains reinterred there. The state law worked so well that it was extended to private land in a ruling by the Iowa Supreme Court.

Legislation and litigation were not the only avenues. Several tribes, most notably the Navajo, Hopi, and Zuni, set up their own cultural preservation programs for development on their lands, often hiring non-Indian archaeologists to run the programs and to train native archaeologists. Other projects appeared that involved tribes as partners in research from the start, a trend that continues to expand today, developing into what is essentially an indigenous archaeology (Watkins, 2000). By 1990 at the second World Archaeological Congress in Venezuela, WAC's indigenous representatives proposed an ethics code adopted by the organization, *The First Code of Ethics for Dealings with Indigenous Peoples*, which outlined procedures for consultation and engaging indigenous people in research (Zimmerman, 1998).

Certainly, the history of Indian–archaeology relations is more complex than can be treated here, and there are other views. NAGPRA was not a panacea. The discovery of the Kennewick skeleton proved that.

KENNEWICK

On July 28, 1996, two students found much of a skeleton eroding from Columbia River riverbank sediments near Kennewick, Washington, on property leased as a county park from the Army Corps of Engineers (COE). Analyzed initially by anthropologist James Chatters, the remains turned out to be among the oldest ever found in the Americas. Radiocarbon dated at 8410 ± 60 B.P. (before present), a date somewhat corroborated by a piece of a Cascade phase projectile point embedded in the pelvis, the Kennewick skeleton was of immediate scientific interest, a discovery with the potential to provide information about the early habitation of the continent. The release of information about the physical features of the skull prompted dramatically greater public interest.

The skull and face was long and narrow, with a square mandible, a high chin, receding cheek bones and a projecting nose, features atypical of modern American Indians, but found on other contemporaneous, so-called “Paleoindian” skeletons. Following Chatters’s description of the skull as “Caucasoid,” a term that has a particular meaning to scientists, several reporters and writers, unfortunately, chose to mislabel the skeleton “Caucasian,” a racial term in the sociological sense. Kennewick’s antiquity, and labeling as “Caucasian,” led to great speculation that some early inhabitants of North America were of European stock, harkening back to the Moundbuilder myth.

The National Park Service, the federal agency that oversees NAGPRA, determined the remains to be “Native American,” thus eligible for repatriation. The COE determined that under NAGPRA the remains should be returned to the Umatilla, a local tribe, and confiscated the remains from Chatters before much study could be done. With imminent reburial in store for the remains, a group of scientists took legal action to stop the repatriation, beginning a legal battle that has yet to see a conclusion. The scientists wanted an opportunity to study the remains, but the Umatilla objected. The COE exacerbated the problem by making the site where the remains were found virtually inaccessible to archaeologists after only a brief study was completed. Eventually, a federal magistrate allowed limited study and DNA testing of the skeleton. The latter produced no usable results and the former demonstrated that indeed the remains were Caucasoid of an ancient Asian type similar to the contemporary Ainu, the indigenous people of Japan.

As part of the legal struggle, there were Congressional efforts to amend NAGPRA, but those were largely stopped. There were accusations that some archaeologists who supported Indian claims had succumbed to “political correctness” or to Indian “identity politics.” The issue is still under legal review. Chatters (2001), Downey (2000), and Thomas (2000) have presented varying detail and perspectives on the case.

Whatever the outcome of the legal process, Kennewick amplified known weaknesses in NAGPRA relating to definitions of affiliation and the importance to the scientific community of the study of remains. Most important in terms of Indian–archaeology relations, the case seemed to pit archaeologists directly against Indians again. In truth, however, most archaeologists are well aware that NAGPRA is the law and that it has done some good. As an example, because of the pressure for repatriation, many collections that had never been studied finally were studied as part of the NAGPRA inventory process, before repatriation. The Kennewick case is a small rearguard action for a battle that has already been won by Indians, but it does show that relationships are still tense. There have been other less newsworthy problems.

What is perhaps most important about Kennewick is that it raised issues that many archaeologists thought were probably long dead, related to the felt need for a “white” history of America that was a part of the Moundbuilder controversy a hundred years earlier. This is only one aspect, and actually one of the simpler ones, in the very real differences in worldview between archaeologists and Indians, but worth looking at in more detail.

MOUNDBUILDERS, MANIFEST DESTINY, AND THE PAST AS A PUBLIC HERITAGE

The fascinating element of the Kennewick case is the use of the term “Caucasoid” by Chatters and his suggestion that a facial reconstruction of the skull looked like the British actor Patrick Stewart. Whether planned, or just unfortunate, this played to the evidently still strong need for a European history of America. In a CBS *Sixty Minutes* news segment on Kennewick, with prompting from correspondent Leslie Stahl, Chatters agreed that Kennewick would challenge the very history of the continent and Indian priority on it, even to the point of their right to have lucrative casinos. Whether an actual bias of Stahl or Chatters, a wish to use any argument to prevent repatriation of the remains, or the need to sell a story by using controversy, this was a bald exercise of racial identity politics as clear as any made in the 1800s as part of the Moundbuilder myth.

All of this plays out within the context of a claim that most archaeologists do make, that the past is an irreplaceable public heritage. Within this viewpoint, scientists have a right to investigate remains that cannot be connected to specific groups. Too, every group should have equal access to the archaeological past. In this view, because of the strength of their (positivist) approaches, archaeologists become *the* stewards of the past.

This stewardship is the cornerstone of the ethical principles of the SAA (2002), adopted in 1996, of which the following is a segment: “Stewards are both caretakers of and advocates for the archaeological record for the benefit of all people; as they investigate and interpret the record, they should use the specialized knowledge they gain to promote public understanding and support for its long-term preservation.” Archaeologists are caretakers with specialized knowledge, who help to preserve and advocate an archaeological record for the benefit of all people. Never mind that some might consider their own past to be private or a matter of privilege to learn or know. Thus, even some archaeologists consider the stewardship principle to be up for challenge (Zimmerman, 1995). Many people would probably agree that the past is a public heritage, so long as it is not *their own group’s* past that is everyone’s heritage! The fact is, however, that most do not understand the limitations of archaeology or its peculiar perspectives. In other words, they don’t know what archaeologists do.

THE PAST IS A FOREIGN COUNTRY

Archaeology is a complex, multidisciplinary field that tries to describe and explain human culture as it existed in the past, primarily using material evidence from that past. As has become commonplace to say, “Archaeology is like putting together a jigsaw puzzle without having all the pieces and without having a picture to go by.” In other words, the stories we tell of the past are often very incomplete. There are a number of core issues that could stand in the way of any group accepting the validity of archaeology, let alone American Indians who have often felt exploited by archaeology. The past of which archaeologists are stewards is vastly more complex than most

might imagine. Take for example this statement from Cecil Antone of the Gila River Indian Tribes at a conference on reburial: "My ancestors, relatives, grandmother so on down the line, they tell you about the history of our people and it's passed on and basically, what I'm trying to say, I guess, is that archaeology don't mean nothing. We just accept . . . the way our past has been established and just keep on trying to live the same old style, however old it is" (Quick, 1986: 103). This statement suggests a substantial divide, indeed that archaeological and American Indian views are incongruous worldviews. Do archaeologists and Indians even look at the same past? After all, isn't the past, the past?

Archaeologists and American Indians would probably accept that at some level the past is composed of a set of events that left material remains that the archaeologists find in their excavations. Beyond that, however, everything becomes a matter of interpretation and perspective. The same set of events and material items can be perceived differently. For example, witness accounts of the same event can be profoundly different. Much depends on the standpoint of the witness and what ideas they bring to it. So it is with the archaeological and descendent views of the past.

As scientists, archaeologists emphasize measured time. They look at time as linear, moving only forward from the past to the future. Such a view allows archaeologists to attach the remains they find to a framework of cause and effect, helping them to explain change through time, an idea at the core of processual archaeology. They break up that temporal stream by using linguistic partitions, apparent in their jargon, to describe ancient cultures, complexes, phases, traditions, and the like. Their dates are relative, but linear, with X phase coming before Y phase before Z, backed up by absolute dates from Carbon 14 and other techniques allowing them to put calendrical dates on their sequences. They see the present as only a fleeting moment, with the past (and, implicitly, future) emphasized. Archaeologists commonly write, for example, about "studying the past for the future."

Tradition-oriented American Indians emphasize time as it is lived. Time is more complex, not just sequential. What is important are events and their meanings for life. The very perception of time is flexible. By example, time seems to move more or less slowly surrounding an event. Time may seem to pass very slowly during anticipation of an event, but quickly during the event itself. In this sense, the present is crucial, not the past or future. This lies at the heart of what is often called "Indian time." What is important is what an event means in one's life and what one learns from it, not that it occurs at a precise point in time. The actors and locations may change, but the fundamentals of human behavior do not, a core idea of natural law, given at the time of creation, and immutable, very evident in the quotation from Antone above.

These two worldviews are at the heart of the difference between literacy and orality. For literate cultures, based on the written word, time is necessarily sequential and linear. The "now" of the present is gone in an immeasurable instant and is merely part of the continuum of past/present/future, all of which exist equally in writing. In oral cultures, with emphasis on the spoken word, the spoken exists only in the present and is gone quickly, so must be attended to carefully. In the written the emphasis in stories is the setup (the past) and the consequence (the future), whereas in the oral, the end of the story is contained in the beginning is contained in the end, and so forth. Time and past are a circle or spiral, always coming back to the point of origin. In other words, the past is always present.

Archaeologists tend to say that the past is gone and that only archaeology can interpret it, as in the quotation from Clement Meighan at the beginning of this chapter. For many Indian people, the past is never gone; it is always present and alive. What archaeologists call artifacts, especially human remains, many Indian people consider to be people, still present and alive. The statement that the past is gone unless archaeologists study it could be interpreted as saying that the present is also gone, and thus that Indian people themselves are gone. This is not so dissimilar from a viewpoint often expressed by archaeologists and other anthropologists from the 1800s that Indians were disappearing or gone. To objectify human remains for study is to dehumanize them and shows a deep disrespect.

Many Indians do not understand how scientific archaeology operates. Scientists advance hypotheses to explain the data they have collected. Their task becomes to disprove or “falsify” the hypotheses. What can’t be disproved is likely to be true. This confuses laypeople who often say that science “proves” things. Thus when an archaeologist proposes something such as the Bering land bridge idea to account for American Indian origins, then later demonstrates that the hypothesis is too simple, and suggests other hypotheses, people see this as a weakness of science, when in fact it is the opposite. Scientists know this, but most laypeople do not. Some American Indians, for example, see the explanation of the Moundbuilders, the Bering land bridge, the coastal boat hypothesis, and the new notions of European or Pacific Rim connections based on a series of early skeletons like Kennewick, as evidence that archaeologists just don’t know what they are doing or that they have political agendas reflecting the interests, biases, and conceits of the dominant population. Nowhere is this position more clear than in Vine Deloria, Jr.’s (1995) attack on archaeology in his book *Red Earth, White Lies: Native Americans and the Myth of Scientific Fact*.

Archaeologists do not help the situation when they make statements like that of Meighan or when they say that they have the *facts* or *truth* about the past. Though most archaeologists claim to have no personal political agenda, they may fail to understand the impact of what they are saying on the lives of Indian people. If most archaeologists take the debunking attitude expressed by Mason (quoted above) and others, archaeology becomes a harsh and cruel discipline. If archaeologists tell Indian people that they have the facts about Indian origins and that Indians should accept the archaeological story, what archaeologists are actually telling Indians is that their tribal stories are untrue. For Indians to accept archaeological stories of their pasts in this epistemology, they need to reject their own oral traditions, and that is another attack on American Indian cultural identity.

SHARING CONTROL OF THE PAST

Although there have been efforts to bring archaeological and American Indian viewpoints together since the 1970s, the trend is now accelerating. There is obvious overlap between some American Indian origin stories and archaeological finds if one is willing to shift perspectives slightly. Even under the Native American Graves Protection and Repatriation Act, consideration of claims for repatriation of remains must include both scientific and oral tradition evidence construed as “equals.” Some

scholars have made a determined effort to bridge the gap between archaeological and oral tradition evidence (Echo-Hawk, 2000). As discussed above, tribes such as the Zuni, Hopi, and Navajo began their own tribal archaeology programs in the 1980s, and a number of other tribes have done likewise since. There is a growing interest in what is being called “indigenous archaeology,” but what that actually means remains undefined. Several academic conferences have made it a point of discussion. The differences may seem small, but in some cases it may mean archaeological research done by tribal members on their own cultural remains, while in others it may mean archaeology done by outsiders in full partnership with tribal members. In either case the epistemology of the past will change.

On a very practical level, several organizations have tried to encourage involvement of American Indians in archaeology. For all of its difficulties with some aspects of repatriation, the SAA developed an endowment for support of scholarships for Native Americans and Native Hawaiians to support training in archaeological methods, including fieldwork, analytical techniques, and curation. The National Science Foundation (NSF) adds support so that each year the SAA is able to offer the Arthur C. Parker Scholarship, named after the organization’s first president (1935–6), an archaeologist of Seneca ancestry. The NSF also offers Scholarships for Archaeological Training for Native Americans and Native Hawaiians. The Plains Anthropological Society, a major regional organization, offers a scholarship for Native American students. Finally, a number of archaeological field schools now incorporate American Indian concerns directly into field training and seek interaction with Indian communities. There is some suspicion that these efforts are meant to co-opt Indian people, but this gives many indigenous archaeologists little credit. The growing number of indigenous archaeologists within the SAA itself suggests that these suspicions are ill-founded; some have worked to form an organization within the SAA on their own terms and have sponsored sessions on indigenous archaeology within the main structure of the SAA annual meeting.

Perhaps the most difficult issue for archaeology when it comes to dealing with American Indians is learning how to share control of the past. This is no easy matter for scientists steeped in traditions of academic freedom where they set their own research agendas and reach their own conclusions based on analysis of material remains and their excavated or documentary contexts. Archaeologists must also let go of the idea that what is going on is just “identity politics,” when it is actually much more complicated, sometimes even incorporating the realm of “sacred” history. For American Indians, the most difficult problem will be to abandon the stereotypic view of archaeologists as “grave robbers” and as a tool of colonial domination. In truth, each group can benefit the other, but development of an ethnocritical archaeology where archaeologists and Indians are active and equal partners in exploring pasts will require epistemological changes on the part of both groups.

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