

## On the Logic of Discernment

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***Real Indians: Identity and the Survival of Native America.* By Eva Marie Garroutte. Berkeley: University of California Press, 2003. 223 pages. \$50.00 (cloth). \$21.95 (paper).**

***Who Owns Native Culture?* By Michael Brown. Cambridge, Mass.: Harvard University Press, 2003. 315 pages. \$33.95 (cloth). \$17.95 (paper).**

Nowhere are the interrelated logics of property and the claiming of land, identity, and culture more discernable, and nowhere are indigenous people required to be more discernable than in their contemporary struggles for political recognition. It is as if indigenous peoples have to say of themselves and their cultures: How are we to render ourselves as a thing, a thing that may be owned by us, but whose intrinsic value and worth may be determined by others? How may we be most like a thing so that our rights may be exercised and/or protected? Or more scopically, how may we prove that we are a thing that has been seen through time?<sup>1</sup> This is the struggle for indigenous claims to identity and the struggle, as well, of claims to culture—two seemingly constructed and yet grounded formations that require, in settler societies, that they be fixed, claimed, and then adjudicated—much in the manner of disputes over property.

This logic of property formation and the practice of claiming are the stuff of political recognition. Political recognition is a problem, writ large, of modern, democratic, state forms of governance and finds its home in the lives and lands of indigenous peoples, who in some cases must now claim the land that they issue from.<sup>2</sup> In order to access their land and, some would then argue, to retain their culture, they must then prove themselves at the level of themselves.<sup>3</sup> Eva Garroutte's *Real Indians: Identity and the Survival of Native America* and Michael Brown's *Who Owns Native Culture?* are studies in claiming identity and culture. The claims of identity that Eva Garroutte deals with are also claims *for* rights and access to resources and so have the shadow of property upon them. Such is the case with the claims to cultural heritage that Michael Brown is examining in *Who Owns Native Culture?* Brown's book has as its central problem that of

an originary moment of authorship, of discerning a beginning, of locating at what point cultural “heritage” begins and at what point it can be alienated or protected as property.

The work of Garrouette and Brown converge on the *constraints* to identity and cultural claiming, in Brown’s cases, the “juridicalization” of those claims as they are sieved through the courts and in Garrouette’s cases, the deliberation of those claims in institutional and conversational spaces. Brown’s study is international and juridical, dealing with cultural property rights cases across the globe. Garrouette’s is focused on identity claims and cases in North America. *Who Owns Native Culture?* and *Real Indians* deal with these issues in different territorial and discursive arenas, but both offer us reformulations of old debates around these issues. I will examine the central arguments in these books and discuss their methods as well as their findings and embed them within their family resemblance, the question of how the claiming practices detailed in these books enunciate this logic of property, the implications that these books have for related fields, and how they suggest avenues for further research.

Eva Garrouette’s book, *Real Indians: Identity and the Survival of Native America* is concerned with forms of identity making and recognition among Native peoples in the United States and, in some moments in the text, Canada. Her data is drawn from secondary source material from the literature of Native American studies, sociology, anthropology, and history, as well as primary documents such as historical records, census data, and her own interviews, which were framed by the theoretical project and attendant methodology, “Radical Indigenism.” In its concern with contemporary indigenous identity, this book articulates thematically to the recent single-nation ethnography of intranational recognition practices by Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma*. And in its treatment of the definitional modalities of identity expectation, *Real Indians* speaks to Elizabeth Povinelli’s ethnography of state logics in Australia, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Garrouette’s study also articulates to Bruce Granville Miller’s study of internationally nonrecognized cases of indigenous claimants, *Invisible Indigenes: The Politics of Nonrecognition*.<sup>4</sup> Garrouette’s book departs from these others in its disciplinary and methodological emphases but also keeps thematic company with earlier works in sociology and Native American studies that deal directly or tangentially with state and locally structured processes of identity formation, meaning, and persuasion.

Garrouette’s fieldwork for this project is composed of twenty-two respondents from Native and non-Native backgrounds, from those who work in

both official and unofficial capacities on matters relating to recognition, but more elementally, from people who were “caught up in conversations, controversies, and sometimes conflicts about tribal identity” (153). Garrouette’s central argument is that Native American identity formation and expression is understood problematically from four modalities of definition: law, biology, culture, and self (definition). Thus, identity constructions and claims are necessarily multivalenced and wedded to institutions, while these constructions are also expressed through vernacular understandings and reckonings by Native and non-Native peoples. There is no single, irreducible way of “being” Indian nor of “being understood” as an Indian, but these very values do matter, and they matter not only to the state, but to Indian peoples themselves. Garrouette’s questions laid out in the beginning of the book are normative, but have a methodological and theoretical valence to them: “How should we think about American Indian identity and its intersections with other racial identities?” and “What assumptions should inform our debates and policies on and off reservation?” (4).

In this book it is clear that Garrouette aims to provide a review of the issues, and much more. One of her most important contributions is both the most compelling and the most open to interpretational excess by her reader, to achieve a portrait of “real Indian-ness” (7). This is provocative, and in the end quite open-ended, as the reader is left to wonder if she is problematizing this notion of “realness” or furthering it as a societal value that has agreed-upon properties and standards of definition within Native American communities. By the end of her book we may find this notion problematized further. However, because Garrouette foregrounds the aims of her study in the language of race and argues that she is offering a case study in America’s dynamic interactions with the “norms of racialization” (7), we might be persuaded of the former. It may be argued that the framing of this study through the construct of race completely occludes the impetus for American Indian identity struggles, which are struggles that issue from a loss of authority and relatedness to land, nation, and sovereignty, rather than a skewed recognition as “races” in the project of American statecraft. “Race” and racialization, some may argue, are symptoms of the problem, not the problem itself.

Her interviews offer a limited range of possible interpretations and possibilities for contemporary identity formation and expression. Each chapter opens with a well-known and stimulating “case” with which to ground the issues as well as to think through the problematic of the chapter. Here we find the cases of Sylvester “Buffalo Child” Long Lance, Shania Twain, the Mashpee Wampanoag—all examples of identity misrecognition or recognition

that raise questions of identity formation, claiming, and individual and collective issues in ways that are immediate and obvious. Garrouette offers pithy reviews of the process of claiming: a mini history of law, biological, cultural, and self-identifying modalities for recognition. She then follows these up with data from her interviews. Her interviews sound conversational and compelling and complement each other in productive ways, so that the reader can see and hear a bit of the range of perspectives “out there” on who is and who is not and Indian, how it is and how it is not that someone or some people may be viewed as Indian. This conversational approach—an approach that in some moments sounds like a social history of the present—is *very* unusual for studies that ground themselves in weighty issues such as the logics of identity formation. Take, for example, this fragment from an interview with “Archie,” who comments on the commodification of culture and the unease that meets Indian people when confronted with this situation:

I can relate personally, as a visitor to [a ceremonial dance at the San Ildefonso Pueblo] . . . I saw some non-Indians there, who I call “organic type people,” in their sandals and long dresses. And they were in the audience but they were beginning to swing and sway, with their eyes closed . . . They were going through the motions like there was something really *affecting* them. . . . So I think I’ve observed people that were searching for something and feel that they get it by attending our ceremonies. Whether they are invited or not. And that’s the major difference. They don’t have any ownership in it, or cultural history, or background that would allow them to be part of this ceremony. But yet, they come and take it. (92)

Archie’s narrative points to the ways in which notions of property shape his understanding of the transgression at this ceremonial dance; “they don’t have an ownership in it . . . yet they come and take it” is an observation that speaks profoundly to and from the logic of property that shapes these ethical affronts in Indian country. But what of the people who view culture in such a way? What of the people who view identity and culture as something to be consumed or appropriated, inhabited, for their own purposes? We don’t know nearly enough about the structuring presuppositions of their desire *in this context*. Garrouette then selects a fragment from another interview that elaborates how this notion of culture is further understood within and without Indian communities and how disconcerting it is to be disciplined by book-educated “wannabes” or extremely marginal Indians who deign to correct community-centered people. The reader will appreciate this perspective, but were the author to offset these interviews with a fragment from her data set (one does not appear to be present through her appendix) of a community outlier, an individual who may then “fit the bill” (i.e., a “wannabe”) regarding this perspective, we

might have an even fuller sense of the range of possibilities for moving through these matrixes of identity/identification/persuasion, as well as a key, perhaps, to the problem at hand. Despite this shortcoming, Garrouette's interviews are used to illustrate "some of the many ways Indian people today think and talk about their identity and the identity claims of others."

Garrouette also argues that her aim in the newly raced America, an America that now allows for self-identification within the census of several races, is to ponder the question, who has a legitimate claim on specific racial identities? (9). The first half of this question on the legitimacy of claiming cuts to the bone of debates over identity and Native American peoples. Garrouette leaves flesh on this body, however, with the second half of the question, when she argues that she wants to illustrate the ways in which Indian identity helps us to think about issues and consequences associated with various ways of defining racial groups (9). Indeed, Indian peoples have been racialized and minoritized (i.e., disenfranchised) by this state-authorized and dominant construction of their identities, but are they not nations that have had their authority and their governing institutions strangled by the settler project *frst*? Further, do they describe themselves and their territories exclusively through the language of "race"?

I do not wish to overlook or dismiss the ways in which indigenous bodies, both individually and collectively, have been read as raced (and gendered) ones and treated in accordance with those perceptions by the law and citizenry of both the United States and Canada.<sup>5</sup> However, much of the struggle within Indian country (broadly defined) is about Native peoples regaining authority and institutional power to define and recognize themselves as well as the need for institutions of recognition and resolution that are free from state power. "Racialization" thus is a symptom of a much larger and pressing problem that is rarely named in indigenous studies, that of American (and Canadian) settlement, and here I mean "settlement" as a historic and contemporary process that is imbricated in late capitalism—a time when Indian land and resources were required for the detachment of people, ideologies, and technologies from Europe, and are still required for their comfortable placement in this territory. What does "race" then do this context? It is a terrific shorthand for defining difference and apportioning social and material value accordingly. But what undergirds it and what does it obfuscate? What undergirds it is the authority to define difference according to scientific and state-driven norms of differentiation. And it is this authority that obfuscates the profound difference of difference—the "difference" of indigenous moral and philosophical orders, their matrix of connectedness, and their complexity, all of which lay before and now

lie within, settler societies. The shorthand for this is “nationhood,” not race. So, in this context, the language of “race” must be deeply contextualized, as it can do the work of settlement when discussions of race refuse an engagement with what enables it and what it obfuscates.<sup>6</sup>

Although some might quarrel with the conceptual framing of her study, Garrouette makes some important contextualizing contributions with the rest of the text. The strength of this book is its history of constructions, the background she provides for legal, biological, cultural, and personal modalities for defining the idea of “Indian.” This is thoroughly useful and teachable material that extends the literature beyond single-nation ethnographic analysis and grounds more macro-treatments of Indian identity such as Joanne Nagel’s *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*.<sup>7</sup>

Perhaps most provocative (and perplexing) is Garrouette’s method of inquiry, which she names “Radical Indigenism” (RI).<sup>8</sup> RI is argued to be an innovation in the ways in which social and scientific research is conducted as well as an innovation that might help Indian communities to work out identity issues at home. The premise of RI is that “American Indian (and other Indigenous) philosophies of knowledge are rational, articulable, coherent logics for ordering and knowing the world” (113). As such, these knowledges have a place in the academy, and not simply as objects of curiosity. She then suggests that RI may offer tribes a way out of their own difficulties with identity by validating what is practical *and* spiritual, and points Indian people in the direction of traditionally authorized forms of recognition that validate what elders are saying now. She states that Indian people have the solution to the problems that she has laid out in the earlier passages of the text (that is, the four modalities of definition: law, biology, culture, self-identification) and that solution is, quite simply, a return to the “Original Teachings” and reconnecting with “the Ancestors.”

Aside from the atrophying reification of culture and the stultifying performance of “tradition” that some would say is necessitated by such an approach, there are several possibilities suggested by “Radical Indigenism.” One is, simply, the argument that indigenous philosophies should govern academic analysis, and the second is that struggles with identity claims are thus epistemological rather than political struggles. The first claim is an important one not only for a “diversified” intellectual practice but simply for producing work of meaning, work of community value, and work of scholarly rigor.<sup>9</sup> Readers may be perplexed by Garrouette’s second point, which conflates epistemology (or any way of knowing) with spirituality and then separates spirituality from the machinations of power (which she calls “politics”). This separation of the “spiritual” from

what is political may be untenable for some indigenous peoples, as spirituality may be tied to their own forms of governance and workings of power. Because Garroutte's argument requires that she discern and distill for her reader the basic fundamentals of Indian cultures she must make this conflation and then reduce all indigenous cultures to two constituent elements: "the practical" and "the spiritual." Thus the method that should be deployed is that which reinscribes these spaces of meaning with their influence within communities and within analysis—the aforementioned "Original Instructions" and "the Ancestors." This does not read as *radical* or *indigenous*, but rather, as a desire for pure culture and pure conduct, settler expectations par excellence.

And, were it so *easy*. Garroutte's method appears more as a declaration that authorizes an essentializing throwback to earlier forms of anthropology in the salvage mode than an innovation in method. Garroutte is clearly working against the notion that "Indian worldviews are intellectually invalid" but, one shudders to think, with the vexing variables of authenticity and purity that underwrite a defensive posture that conflates "Original Teachings" exclusively with culture and culture exclusively with a precontact cut-off point. Are Indian social histories, which some may argue are part of indigenous cultural "worldviews"—and very well might include Hank Williams Jr. or a serious commitment to ironwork or lacrosse, or beadwork—valid forms of indigenous knowledge? Are these "teachings" not the connective tissue as well of contemporary Native communities? Do these modalities not *coexist* in meaningful ways with "unoriginal teachings" such as the Catholic Church, the Baptist Church, and postcontact teachings such as the *Gaiwiiio* (in Iroquois territory)? Can we not validate them as deeply meaningful in analysis? And considering all that, can we do a *critical* analysis with RI? I would hope so, but I am not persuaded by Garroutte's essentialist turns. Can RI help us to understand the political and historical conditions that beget and continue to shape identity formation and misrecognition, such as the Indian Act (1876) in Canada, or the Dawes Act (1887) in the United States—"technologies of rule" that sought to radically transform gender, property, and kin relations to each other and to the land? Can RI help us to understand forms of nationhood and sovereignty that continue to shape indigenous claims to land and person?<sup>10</sup> Can the very terms of tradition and knowledge be stretched and transformed with this method to include social history as it unfolds in the present, or will RI only reinscribe settler (and indigenous) desires for a "pure" culture (and by extension, people) in analysis—offering up a "real" portrait of Native America as it should be, rather than as it is?

Eva Garroutte's important questions and propositions take us into the realm of actual property, or the moment when property becomes adjudicated and thus made "real," in Michael Brown's *Who Owns Native Culture?* From here we can take from Garroutte that if cultural identities cannot be meaningfully established according to the definitional criteria set out by the state, then not only are individuals made vulnerable to misrecognition, so may be their cultural property. In his book Michael Brown examines how Native peoples globally are exerting control over "what they consider" to be their cultural patrimony (2). He provides a framework for his question as well as for the interpretation of data that is very different from Garroutte's. Brown's is a universalist argument for analysis that imagines individual and collective political subjects that consent to the political order in which they find themselves and that express their differences in ways that are not offensive to the moral order of the state (in that they do not impede or harm the individual or collective rights of others). In its liberal premise, his study joins, most explicitly, Will Kymlicka's *Finding Our Way: Rethinking Ethnocultural Relations in Canada*. With its commitment to understanding the claims of cultural property, his book also speaks to Rosemary Coombe's *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law*. And in its engagement with indigenous expressive culture, *Who Owns Native Culture?* may be read alongside Fred R. Meyers's *Painting Culture: The Making of Aboriginal High Art*.<sup>11</sup> Brown's work departs sharply from Coombe's and Myers's in that it does not seek to problematize current regimes of cultural interpretation. This book is closest to Kymlicka's in its framing and its form.

Brown's is a liberal text in that it assumes an even playing field, in which there is an intellectual commons that both indigenous and settler actors must share. Access to the commons is regulated by rights so as not to impede the access of others or harm the distribution of resources, such as "heritage" and "culture," within the commons. Rights accrue to those who protect those resources but only in ways that do not limit or harm the greater good or individual rights of others. The very idea of cultural property and attendant rights upsets this notion of unregulated access, because it aims to protect (in an almost privatizing way) the claims of certain peoples over heritage in ways that may deny its availability to others, thus frustrating their rights to access in the intellectual or cultural commons.

Through Brown's conceptualization of "cultural groups of equal scale" (and presumed historical experience), he is able to maintain his commitment to a universal commons and the integrity of all cultural forms (as equal forms),

whether those cultures and peoples are “scarce” or “not scarce,” colonized or colonizing. Because of this presumed equality, or sameness in historical experience, the move toward protection of cultural forms is viewed as “censorship” and so is conflated with a violation of access. This is fascinating to contrast with Garrouette. She seems to have as her premise for RI the absolute scarcity and alterity (and purity/sanctity) of indigenous cultural forms, whereas Brown treats this problem with unrelenting skepticism regarding the sincerity or authenticity of these cultural forms (as claims). See, for example, his conflation of protection with censorship:

The case for censorship in support of indigenous interests would be more persuasive if the boundaries of native cultures could be defined precisely. In the United States, Canada, Australia, and New Zealand, hundreds of thousands of citizens claim native identities while participating only marginally in the everyday life of indigenous communities. How would a democratic society respond to the new right of censorship? Might not a formally articulated regime of censorship on behalf of native peoples provoke widespread public resistance or, worse still, demands that non-indigenous groups be granted an equivalent right? (37)

This is very much the logic not only of property-formation but its apogee, conquest. In it, we see that the primary issue of consent for indigenous claimants (Did I even consent to this political order?) is completely obfuscated by Brown’s treatment of the secondary question: How do I protect *what I now have left from further theft*? The second question, which is indeed secondary, is the radius of his analysis, but he considers it only from the vantage point of bestower. Thus the question becomes, How do we (“we” taken unproblematically to be modern democratic nation states) deal with *their* claims upon their culture, which may then impede our access to it, and thus challenge a core liberal value that we have? Note the discursive turns in the passage selected above, which both requires persuasion (and thus positions Brown as the moral adjudicator) and impugns native claimants for their disorderly culture, their cultural unintelligibility from “other citizens” and the possibility that their claims might invoke “special rights,” which would then invite “all people” to argue for special rights. Brown may achieve this form of gloss only by completely obfuscating the history of land expropriation and claiming by the state, the suffering and violence that indigenous peoples have experienced, and in some cases still experience, in order to render their political communities “claimants” of equal scale with internationally recognized nation-states such as France—an argumentative conflation that he makes in the following paragraph and calls an “irony”:

In another of these ironies that mark these debates, efforts to grant broad legal controls over information originating in native societies are encumbered by the idiom of sovereignty favored by native rights activists. Independent nations are not thought to possess a right of collective privacy that prevents outsiders from investigating or making assertions about how governments or individual citizens behave. *The argument that a French “right to cultural privacy” made it improper for Americans to study the way French people live would be dismissed out of hand by legal experts and ordinary citizens alike.* (37, my emphasis)

Is an indigenous “tribe” or First Nation the same as France? Does it enjoy a military, a recognized governmental system in accordance with its traditions, its own tax base, international recognition? France is a nation-state, indigenous First Nations are nations that are enframed by settler states. What protection their territory and people require under those conditions is guaranteed not by the *idiom* of sovereignty but the legal agreements that bestow (limited forms of) sovereignty upon them. There is a huge and staggering difference between France and, for example, the Navajo Nation.

Brown is able to achieve this mode of analysis simply by not admitting into his framework the ontological and heuristic issues for indigenous claimants and in so doing is able to structure his discussion and analysis entirely in terms of the moral fungibility of cultural property—*as if* all things were equal. *As if* all histories were the same. *As if* all people were equal. Thus there is not the possibility even of misrecognition or nonrecognition and a complete reliance upon statist modalities of governmentality, re: “the law,” which may then adjudicate indigenous claims to cultural heritage, *as if* it were just.

Like Garrouette, Brown deploys cases to support his argument, but unlike Garrouette, all of Brown’s have a legal cast. Among them, *The Bulun Bulun and Milpurrurru v. R & T Textiles Pty Ltd* from Australia, Voth’s Hopi photos, the Aboriginal flag, the Zia sun symbol, and the desires of Native peoples to copyright and protect their cultural heritage from alienation. In the discussion of each of these cases, Brown’s central contention is that Indian cultural and intellectual property claims are tantamount to censorship and privatization and thus impede the free flow of information. Impeding that flow is a condition that is untenable in a modern democratic state in which “the need to balance the rights of authors against the social benefits that flow from open public discourse” must be achieved (57). We see here that Brown is interested in a restoration of the commons, of the deregulation of information and culture, a mode of liberalism that requires not only the removal of constraints around access to cultural objects and heritage, but a return to agreed-upon truth standards (21), and a copious forgetting of certain pasts, as well as a situational

command of present experiences in Native-state relations. Like most liberal rights arguments, Brown's position requires an ahistorical premise and the assumption of an even playing field. Although cushioned and in some moments pinioned by this theoretical (and some would say political) premise, his most crucial question and perhaps the most important question in this book is that of authorship: At what point is an object the property (and the rightful claim) of an author rather than a free-floating (and publicly owned) object?

Throughout this book Brown's language is inflected with skepticism and disbelief, or with an authority that requires substantiation. For example, in his early discussion of the Native American Graves and Repatriation Act of 1990 (NAGPRA), Brown states, "as with almost every manifestation of public interest in Indian issues, however, impressions of NAGPRA are colored by a diffuse sentimentality that blinds outsiders to the law's unanticipated effects" (18). There are numerous problems with this statement, but readers who are attuned to recent "manifestations of public interest in Indian issues" will be downright *puzzled* and will find themselves looking for a footnote or reference to substantiate this sweeping claim.<sup>12</sup>

Moments like these within Brown's text will make readers familiar with contemporary indigenous political issues strain for data to support his statements. However, his more even-handed and thorough discussions of the issues of private and public distinctions regarding copyright law, as well as his ethnographic movement through several indigenous contexts and cases, are lively and will be useful teaching and reference material for scholars and advanced students of law, Native studies, anthropology, and related fields. Brown's text is best read alongside other contemporary liberal rights texts such as Kymlicka's but really should be read as well alongside more critical analysis of liberal law, policy, and history such as Povinelli's *The Cunning of Recognition* and Uday Mehta's *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*<sup>13</sup> to fully balance and contextualize its claims.

In short, both of these books are valuable contributions to the literature on contemporary indigenous issues and by extension, contemporary colonialisms and Native-state relations. Their questions engage with processes that enunciate the logic of claiming and property formation but analyze them differently. Both share a logic of discernment, in that they seek to recognize the constituent elements of each problem, that of identity and that of cultural property. In their attempts to do this, analytical costs are incurred; nonetheless these books are worth reading and teaching and will no doubt prompt further inquiries with the stimulating propositions they set forth.

## Notes

I am grateful to Chris Andersen and Andrea Lee Smith for their attention to an earlier version of this review.

1. George Pierre Castile summarizes this scopio necessity for Native peoples in the Federal Acknowledgment Process this way: "They must be 'seen' in the records of government, common report, churches—somebody other than themselves must vouch for them and not lose sight of them." "The Commodification of Indian Identity," *American Anthropologist* 98.4 (December 1996): 746.
2. See Antonia Mills's *Eagle Down Is Our Law: Witsuwit'en Law, Feasts and Land Claims* for a book-length treatment of this process (Vancouver: University of British Columbia Press, 1994).
3. James Clifford, *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art* (Cambridge, Mass.: Harvard University Press, 1986); Jack Campisi, *The Mashpee Indians: Tribe on Trial* (Syracuse, N.Y.: Syracuse University Press, 1991); Elizabeth A. Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham, N.C.: Duke University Press, 2002); Bruce Granville Miller, *Invisible Indigenes: The Politics of Nonrecognition* (Lincoln: University of Nebraska Press, 2003).
4. Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002).
5. This literature is not limited to the United States and Canada, nor are indigenous bodies raced only within North America. For analyses that ground indigeneity (and sovereignty) within the constraints of "white possession," consult Aileen Moreton-Robinson's edited collection *Whitening Race: Essays in Social and Cultural Criticism* (Canberra: Aboriginal Studies Press, 2004). For Canada and the United States, see Chris Andersen, "Residual Tensions of Empire: Contemporary Métis Communities and the Canadian Judicial Imagination," in *Canada and the State of the Federation 2003: Reconfiguring Aboriginal-State Relations*, ed. Michael Murphy (Montreal: McGill-Queen's University Press, 2005), 295–328; Sherene H. Razack, "The Murder of Pamela George," in *Race, Space and the Law: Unmapping a White Settler Society*, ed. Sherene H. Razack (Toronto: Between the Lines Press, 2002), 121–56; Sheila Dawn Gill, "The Unspeakability of Racism: Mapping Law's Complicity in Manitoba's Racialized Spaces," in *Race, Space and the Law*, ed. Razack, 159–83; Amnesty International, *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Women in Canada*, online at [http://www.amnesty.ca/campaigns/sisters\\_overview.php](http://www.amnesty.ca/campaigns/sisters_overview.php) (accessed August 31, 2006); Andrea Lee Smith, *Conquest: Sexual Violence and Native American Genocide* (Cambridge, Mass.: South End Press, 2005).
6. The Mohawks of Kahnawake, a single-nation reservation community located in what is now southwestern Quebec, have willfully used (and contested) the language of "blood quantum" in their membership requirements. It became very clear through the course of my research on related questions that theirs was not in fact a struggle about race, but one about political authority, nationhood, citizenship, and their need and desire to govern themselves after a century of clear and unambiguous colonial impositions. For more analysis of this, which requires the framing of struggle around the analytics and language of "nation" and "nationalism," please see Gerald R. Alfred, *Heeding the Voices of Our Ancestors: Kahnawake Mohawk Politics and the Rise of Native Nationalism* (Toronto: Oxford University Press, 1995); Audra Simpson, "Paths Toward a Mohawk Nation: Narratives of Citizenship and Nationhood in Kahnawake," in *Political Theory and the Rights of Indigenous Peoples*, ed. Duncan Ivison, Paul Patton, and Will Sanders (Cambridge: Cambridge University Press, 2000): 113–36.
7. Joanne Nagel, *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York: Oxford University Press, 1996).
8. "Radical Indigenism" may be read as an attempt to enact some of Linda Tuhiwai Smith's critique and call for alternative, indigenous-centered and authorized research practices in *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books, 1999).
9. We see this in some of the most rigorous and philosophically informed historical research in Iroquois studies undertaken by Iroquois scholars: Deborah Doxtator, "What Happened to the Iroquois Clan? A Study of Clans in Three Nineteenth-Century Rotinohsyonni Communities," PhD diss., University of Western Ontario, 1996; Susan Hill, "THE CLAY WE ARE MADE OF: An examination of Haudenosaunee land tenure on the Grand River Territory," PhD diss., Trent University, 2005. Deborah Doxtator died shortly after completing her dissertation.
10. See Dale Turner's discussion of this very question vis-à-vis "Radical Indigenism" in *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006), 115–16, for a more robust critique of the political shortcomings of this method.

11. Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Toronto: Oxford University Press, 1998); Rosemary Coombe, *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law* (Durham, N.C.: Duke University Press, 1998); Fred R. Myers, *Painting Culture: The Making of Aboriginal High Art* (Durham, N.C.: Duke University Press, 2002).
12. For example, the “Oka Crisis,” which unlike NAGPRA, completely seized the public imagination of Canada in 1990, did everything *but* incite “diffuse sentimentality.” The “Oka crisis” was a seventy-eight-day armed standoff between Mohawk and allied individuals in Quebec, a militarized conflict over expropriated land, which resulted in the deployment of Canadian Armed Forces in Mohawk Territory and the death of a Sureté du Quebec officer. This event generated months of news coverage as well as a \$58 million, five-year Royal Commission on Aboriginal Peoples to examine Indian-white relations in Canada. It induced not sentimentality but overt forms of racism, shame, alliance building, and pride, as well as overt and covert resistances to state domination. For further reference, please consult Gerald R. Alfred, “From Bad to Worse: Internal Politics in the 1990 Crisis at Kahnawake,” *Northeast Indian Quarterly* (Spring 1991): 21–31; David Wilkins, “Internal Tribal Fragmentation: An Examination of a Normative Model of Democratic Decision-Making,” *Northeast Indian Quarterly* (Fall 1992): 33–39; Geoffrey York and Loreen Pinder, *People of the Pines: The Warriors and the Legacy of Oka* (Toronto: Little, Brown, 1991); *Kanehsatake: 270 Years of Resistance*, directed by Alanis Obomsawin (Montreal: National Film Board of Canada, 1993) (videocassette); *Spudwrench: Kahnawake Man*, directed by Obomsawin (Montreal: National Film Board of Canada, 1997) (videocassette); *My Name Is Kabentiaosta*, directed by Obomsawin (Montreal: National Film Board of Canada, 1995); *Rocks at Whiskey Trench*, directed by Obomsawin (Montreal: National Film Board of Canada, 2000) (videocassette); Linda Pertusati, *In Defense of Mohawk Land: Ethnopolitical Conflict in Native North America* (Albany: State University of New York Press, 1997); Amelia Kalant, *National Identity and the Conflict at Oka: Native Belonging and Myths of Postcolonial Nationhood in Canada* (New York: Routledge, 2004).
13. Uday Mehta, *Liberalism and Empire: A Study of Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999).