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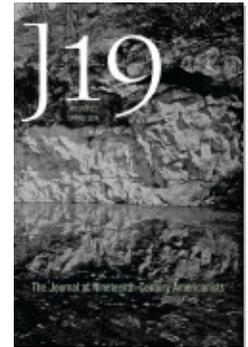
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Sovereignty's Challenge to Native American (and United States) History

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It is interesting to reflect on the fact that at about the same time that Russell Means coined his famous slogan “If you want to be sovereign, you have to act sovereign!,” historians and anthropologists launched the movement for a “New Indian History” that largely ignored that term. Over the past forty years academic authors have transformed how indigenous peoples are presented in the nation’s classrooms. Teachers, journalists, and popular authors have now (slowly but inexorably) replaced hapless victims and gaudy warriors with nuanced, three-dimensional figures who have voices, ideas, and strategies for survival. History has become more “real,” even though the historical actors presented in classrooms and television documentaries rarely use the term “sovereignty.” By contrast, the tribal governments that seemed so beleaguered and discouraged in 1970 have blossomed dramatically into sophisticated conglomerates that dispense an array of social services to their members, operate business enterprises, and bravely defend their treaty rights in both courts and legislatures. Poverty, exploitation, and ill health persist—and the Washington Redskins are still hanging on to their racist name—but there is no question that in Indian country, attitudes have changed, and sovereignty has a tangible meaning that it lacked forty years ago.

It is not surprising that there would be a gap between academics and everyday folk, but in this instance the difference between the image presented by tribal histories and the reality of modern communities strikes me as the reverse of what one might expect. Typically (at least from this academic’s perspective) scholars should be ahead of the public for whom they are writing. After all, they spend their time looking for (and finding?) trends and ideas others have yet to see. One might suppose that over the past four decades the academics would be emphasizing the power of sovereignty in Native life, while Indian people—wrapped up in their daily concerns—would not. So what gives? Why is “sovereignty” palpable in Indian communities while so often ignored by historians?

One explanation could be the fact that academic writers don’t write primarily for a native audience. Operating in a world of commercial and

university-based publication, teaching largely non-Native students, and responding to scholarly traditions whose origins are far from indigen-ous, historians and anthropologists have written for a broad public audience and, quite naturally, have framed their stories in relation to conventional narratives of American or global cultural history. In short-hand: academics generally speak *about* Indians to an invisible audi-ence, not *for* them or even *to* them. But there is more to it than that.

The New Indian History was born at a specific moment and in a particular intellectual setting. It is not possible to recite a detailed ge-nealogy here, but it is fair to claim that among historians, the inspira-tion for a new approach to the Native past came from the social history movement of the 1960s and 1970s. Writing when the civil rights move-ment was still active, these scholars sought to tell history “from the bottom up,” and thanks to them, Indians soon joined the women, slaves, working people, and new immigrants who competed with the usual suspects—the Founding Fathers and the nation’s military heroes—for the attention of historians and their students. Anthropologists shared some of this idealism as young practitioners arriving on the scene during the age of decolonization challenged the discipline’s complicity in the enterprise of empire. Historically minded anthropologists—ethnohistorians—were also fighting an internal disciplinary battle: synchronicity versus a diachronic view of culture. The synchronics stressed material culture, patterns of kinship, and the persistence of cultural traits. The diachronics urged their colleagues to view indige-nous people as people *with* history and to understand cultures in the context of their times. From their perspective, cultures lived in time and were therefore contingent, adaptive, and inventive. The genius of Native American culture was its ability to persist through shifting regimes and the conditions imposed by colonialism.

The New Indian History, then—produced by both historians and anthropologists—was a project that countered the assumptions of the past by emphasizing hybridity, invention, human agency, and ultimately the survival and persistence of Native lifeways. A focus on sovereignty—a legal term and condition—suggested something else: fixed community goals, a focus on formal public relationships, and, ultimately, the inade-quacy of Native power. From the perspective of the New Indian History, focusing on sovereignty (at least as a legal concept) would inevitably produce narratives of defeat and loss.

Despite its general disinterest in stories framed by the term “sover-ignty,” the New Indian History did find places within its realm for

works that strayed from the persistence/invention theme. Oral histories come first to mind. *Zuni: Self Portrayals* (New Mexico, 1972), for example, which narrates Zuni history through the recitation of traditional stories, is a striking and provocative book that lived up to its billing but turned its back on conventional academic narratives. Similarly, collective efforts such as *The Salish People and the Lewis and Clark Expedition* (Nebraska, 2008) offer candid narratives of historical events while making no concessions to contingency or cultural invention. Their collective preoccupation is with the cultural traditions that shaped indigenous action and the significant differences separating Native people from Europeans.

First-person narratives constituted a second category of works that avoided the New Indian History's theme of invention and contingency. The era of the New Indian History brought many of these works into print for the first time, or in new, annotated versions that helped sharpen readers' understandings of the authors' point of view. Prominent in this group are three classics: *Two Leggings: The Making of a Crow Warrior* (Crowell, 1967), edited by Peter Nabokov; the collection of William Apress's writings, *On Our Own Ground* (Massachusetts, 1992), edited by Barry O'Connell; and Sarah Winnemucca's *Life among the Piutes*, reprinted in 1994 by the University of Nevada Press with an introduction by Catherine Fowler.

In addition to these historical narratives, the past few decades have inspired a great many first-person narratives by contemporary figures, from the late Cherokee chief Wilma Mankiller's *A Chief and Her People* (St. Martin's, 1999) to Russell Means's *Where White Men Fear to Tread* (St. Martin's, 1996). This genre has also included memoirs of religious leaders such as Tom Yellowtail (*Crow Medicine Man and Sundance Chief*, published by Oklahoma in 1994) and the community elder and basketmaker Mabel McKay, whose life story was presented by the literary scholar Greg Sarris in *Weaving the Dream* (California, 1997).

Both community oral histories and the rapidly expanding list of first-person narratives subtly challenged the adaptation narratives embedded in the New Indian History. They were published as a consequence of the rising popularity of Native history that made them commercially viable as classroom texts, objects of scholarly debate, and books for general readers. They were part of the new movement and yet they rang a different theme: their tone is concrete and unself-conscious. They focus readers on the specifics of tribal life and tribal values. They present people who wish to be viewed in relation to their

Native cultures rather than in relation to events or shifting political contexts. While they may present evidence for hybridity and invention (Sarah Winnemucca was happiest while a government translator on a reservation; Russell Means praised his lawyers), their tone is not ironic. Instead they communicate a common message: Indian people desire to be autonomous and to preserve some portion of their existence beyond the reach of the majority culture and its government. While positioned differently across time and space, these subjects offer an image of people struggling toward the goal of living without the interference of forces they did not choose. Even the community narratives present stories of people whose lives are disrupted but not transformed. They are not tales of despair; they carry no hint of surrender.

These Native-centered texts—speaking *for* rather than about Indians—suggest that sovereignty need not be viewed simply as a condition of political life. From their perspective, sovereignty is an enforceable condition of autonomy that might apply to any arena of life. The voices in these texts teach that an individual or community is “sovereign” when acting freely, beyond the authority of outsiders. Oral histories and first-person accounts offer primary evidence of an enduring Native desire to make choices (political, religious, commercial) and act autonomously. Sovereignty’s challenge, then, is not only to view the stories of cultural invention and persistence with skepticism but also to widen our understanding of what that term has meant—and can mean—to Indian people.

Recent academic trends have produced additional interest in the themes of autonomy and sovereignty. First, American Indian studies programs have not only proliferated (a trend that was clearly underway decades ago) but within the past decade have gained sufficient academic authority (by gaining some or all of the prerogatives of departments and graduate programs) to begin to act with greater autonomy within universities. At the same time, tribally chartered colleges have become a permanent feature of the higher education landscape and have therefore been able to exercise their own authority over accreditation standards, curricular expectations, and programming. Together, these undeniably *Native* institutions have exerted a steady pressure on the producers of history to tie their narratives more clearly to the concerns and perspectives of Indian people: to speak *for* them as well as *about* them. Such pressure is not explicit, nor has it sought to infringe upon the autonomy of scholars. It is instead a subtle force that has gradually

shifted academic expectations away from narratives of persistence and toward something new.

The second trend is neatly captured by the name of the dynamic new native studies organization that formed in the middle of the last decade: the Native American and Indigenous Studies Association. “And indigenous” is part of the group’s identity both because of the powerful presence of non-US indigenous scholars in the organization, and because association members have, almost to a person, embraced the goal of recentering Native history in a global context. Once that enterprise began, the linkages between Native America and the experience of the globe’s colonized peoples became clear. And once those comparisons began, all participants became aware of the common indigenous predicament of having endured assaults by colonial powers on their sovereignty.

The implications of these changes are only beginning to come into view. Moving away from the persistence theme and toward viewing Native Americans as one of many groups struggling for autonomy in a world transformed by empire and colonialism challenges historians and others to broaden their definition of sovereignty. The term is perhaps best understood not as a fixed legal status or condition but as a category of analysis. The struggle over sovereignty—over control of individual lives, ideas, and community narratives as well as over institutions—speaks to the condition and perspective of Native actors and Native communities. Sovereignty can be an element of any aspect of Native life, of intellectual and cultural life as well as of political institutions or economic resources. Of course not all conflicts over sovereign authority are the same in scale or meaning, but for colonized people, any moment when the assertion of autonomy can be enforced—when people can “act sovereign,” as Russell Means urged—is historically significant.

While it would be foolish to predict that the persistence theme born from the New Indian History will disappear from historical writing, it is clear today that the ideas associated with sovereignty—autonomy, power, and the shifting meanings of those terms in many arenas of life beyond formal politics—are increasingly visible. And while transnational histories of indigenous people are only now beginning to appear, it is also clear that the viewing Native American people solely within the context of the United States fails to capture both their experiences and their perspectives.

Gaps between academic writers and the concerns of Indian communities continue, but the academics are catching up and catching on. As William Apess, Sarah Winnemucca, and others attest, the struggle to be sovereign can continue amid exploitation and brutal conquest and can take place in an infinite number of settings. Indigenous aspirations to autonomy and sovereignty—whether expressed by communities or individuals and whether they appear in the public arena or in private life—deserve careful scrutiny. Attending to those aspirations moves us closer to speaking *for* indigenous people while reducing the chances that when speaking *about* them we will be telling our own story and not theirs.

Counter-sovereignty

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Man, who appointed me a judge or an arbiter between you? (Luke 12.14)

All authority in heaven and on earth has been given to me. (Mathew 28.18)

United States sovereignty claims are actually claims of counter-sovereignty. That is, US claims to territorial authority are generated, in the first instance, in claims of discovery and the pre-emption of other non-Native claimants to Native lands and waters. In political terms, the dominion of the various states, and their Union, has its basis on the ongoing recognition of Native rights to occupancy and use. Following this logic, recognition of Native presence, however constrained, is logically necessary for the functioning of US rule of law. As counter-sovereignty, US sovereignty is in perpetual reaction to the prior and primary claims of Native peoples on the territories that the United States claims as its own. Seen in this light, US sovereignty will always be an unfinished project in perpetual crisis of unraveling.

Here, I read the US Supreme Court decisions collectively known as the Marshall trilogy in order to outline one legal-political enunciation of counter-sovereignty. The early fourteenth-century analyses of the rela-