

Terry L. Anderson, Bruce L. Benson, Thomas E. Flanagan, eds. *Self-Determination: The Other Path for Native Americans*. Stanford: Stanford University Press, 2006. Illustrations. 352 pp. \$37.95 (cloth), ISBN 978-0-8047-5441-5.

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## The Economics of Tribal Sovereignty

Terry L. Anderson, Bruce L. Benson, and Thomas E. Flanagan have edited a collection of essays that examine how government policies have subverted the natural entrepreneurial spirit of native peoples by forcing communal land ownership on widely divergent groups in the United States and Canada. According to the authors, left-leaning activist scholars and policymakers continue to perpetuate harmful myths that indigenous peoples were naturally communal and lacked capitalist mentalities, falsehoods that hinder the economic advancement of their erstwhile subjects. Business professor Craig S. Galbraith and his collaborators argue that “for North American native populations, the entrepreneurial problem is grounded in the ‘frozen capital’ of the reservation system, a land tenure arrangement that forces a collective ownership regime upon cultures that are historically noncollective” (p. 24). Primarily economists, lawyers, and political scientists, the authors bring new perspectives to topics historians and anthropologists often ignore. Their overall aim is lofty: a complete overhaul of government policies in the United States and Canada, one that applies free-market private property principals to the modern economic “Indian Problem.” According to the authors, protecting individual land and resource rights on reservations would lead to a dramatic rise in the standard of living of Indian peoples in North America.

The initial essays focus on the eighteenth-century Cree fur trade, the bison economy of the Great Plains, and the salmon fishery of the Pacific Northwest. Sub-

sequent chapters explore land tenure arrangements on First Nation reserves in Canada, Indian casino development in the United States, and the economic successes of the corporate-like Mi’kmaq Reserve of Membertou, Nova Scotia. Despite their temporal and geographical variety, the essays collectively detail a coherent theme. They echo some variant of James L. Huffman and Robert J. Miller’s thesis that “most tribes ... have been left to struggle with the economic realities of limited resources, isolation from markets and, perhaps most importantly, uncertainty about property rights and the reach of their sovereignty” (p. 273). Together the scholars argue that communal land ownership, coupled with government trust restrictions and red tape, have hampered Indian economic development, resulting in their status as the poorest Americans and Canadians. As Anderson points out, the reservation system consigned native peoples to the status of wards of the federal government and halted individual attempts at entrepreneurial activity. Government seizure of economic resources and its continued hegemony over developmental decisions inhibited Native American attempts to exercise their rights to private property on tribal lands. Layers of bureaucracy and communal structures have prompted tribal governments to seek economic development based on cultural differences (tourism), sovereignty (gaming), welfare procurement, and grant seeking, none of which promises sustainable long-term economic development according to Anderson. Law professors David D. Haddock and Miller take a different tack, arguing that tribal sovereignty is of-

ten a liability to reservation development. They present evidence that the lack of secure property rights and enforcement structures in tribal courts deters investment on native lands. Haddock and Miller argue that, in seeking investors, tribes would do well to waive sovereign immunity and subject tribal contracts to outside arbitration or state courts, a proposition abhorrent to most Indian nations.

The authors make important contributions that detail the conflicting, confusing, and counterproductive property rights interests on Indian lands in the United States and Canada. According to Galbraith and others, some reservations encompass no less than four land tenure arrangements: fee simple, individual trust, tribal trust, and federal trust lands. Tribal and federal lands, while ostensibly reserved for the good of the whole tribe, cannot be used as collateral for loans, are often mismanaged by federal officials with little benefit going to tribal members, and often promote personal and political battles over their use. Flanagan and Christopher Alcantara provide a heart-wrenching story of an elderly Native American couple who spent a lifetime developing a large farm on the Mistawasis Reserve in Saskatchewan only to have their hard-won land confiscated by tribal officials opposed to their interests. It is not difficult to see how this and other similar situations retard individual economic development on certain Indian reserves. Other authors, utilizing Stephen Cornell and Joseph Kalt's important 1992 work on tribal economic development, provide ample statistical evidence demonstrating that much of the wealth generated on native reserves fails to reach the people it is intended to benefit.

While the essays largely succeed in making a coherent case for policy reform in economics, they fall short in their examination of historical and cultural issues that affect reservation development. The book's relentless economic focus is largely devoid of sociohistorical nuance and analysis, while the bibliography is thin on major works on Native American history and society. Historians, anthropologists, and other native scholars have long taught that Native Americans had conceptions of private property, pursued profits and material goods in the fur trade, and overtaxed their environments. While it is true that certain scholars have veered into the mythic when discussing the communal "golden age" of the Indian past, it is harder to accept that indigenous societies were inherently profit driven and prone to emphasizing private property over alternatives. From the colonial era

until the late nineteenth century, non-Indian observers and reformers repeatedly noted the communal nature of Indian societies when pondering the reasons for their resistance to economic and social assimilation. Why would these contemporaries seek to dismantle something (communal society and land tenure) that did not fundamentally exist? Because there is little primary source research evident in these essays, they neglect to explore the noneconomic mindset and motivation of Indian actors in the past. Inexplicably, the book does not examine policy rhetoric and debates surrounding the two Indian economic assimilation policies most germane to the collection's topic: the Dawes Severalty Act of 1887 and the congressional termination agenda of the 1950s. Detailing these relevant policies and their outcomes would have raised serious questions about the authors' optimistic projections that converting tribal lands to private property will serve as the panacea for Indian ills. While the authors do indeed make sincere and often-inspiring arguments for reform, historians certainly will realize that some variant of these plans and policies have been tried before with the Dawes Act and the termination policy of the 1950s—with often disastrous results. While it is likely some modern activist-scholars have erred in portraying Native Americans as natural ecologists and proto-communists, it also seems plausible that the materialist thrust of many of these essays errs in portraying indigenous peoples as economic men, who act primarily out of materialistic impulses. Like all societies, native communities certainly encompassed a wide range of individual motivations and behaviors while cultural norms mediated between individual freedom and the needs of the larger society.

The authors of *Self-Determination* should be applauded for attempting to lift the haze of romanticism that shrouds contemporary understanding of Indian societies and certainly impedes effective policymaking. They make valuable contributions to the literature in emphasizing the humanness of Indian peoples; revealing the often-overlooked fact that Native Americans acted in ways that maximized their individual and collective profit and well-being. With more attention to the economics of self-determination and sovereignty, perhaps a more rational, economically sound development policy will emerge for indigenous peoples in North America. This thought-provoking collection should be valuable to scholars of modern Native American history, tribal economic development, indigenous resource allocation, and Indian law.

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