

Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations

Amanda J. Cobb

Beginnings

Forty years have passed since the *Midcontinent American Studies Journal* published its landmark special issue, “The Indian Today.”¹ Since that publication, the landscape of Indian country has changed dramatically. This change has come primarily from an amazing cultural resurgence among Native Peoples in the United States—a resurgence that has manifested itself in everything from the Red Power movement to the birth of American Indian studies in the academy; to the renaissance of contemporary Native art, literature, and film; to the creation of tribal colleges, museums, and cultural centers; to the unprecedented rise in economic development; to notable gains in power in political and legal arenas.

Integral to this resurgence have been the increased assertion and exercise of tribal sovereignty on the part of Native Peoples. Sovereignty—that which exists at the core of any people, that for which all peoples strive—was not a word used often to describe tribal nations in 1965. The significance of this word cannot be underestimated; consequently, it is a contested term, carrying with it multiple meanings and multiple implications for Native nations.

If forty years ago the term sovereignty was seldom used, today it is used often, frequently in the same manner as terms like “freedom” and “liberty”—passionately evoked but rarely accorded precise definition or practical mean-

ing. Indeed, the word sovereignty is so frequently used by Native American studies scholars that it risks losing meaning, a state of affairs that triggered Vine Deloria, Jr. (Standing Rock Sioux) in 1998 to posit that “. . . the definition of *sovereignty* covers a multitude of sins, having lost its political moorings, and now is adrift on the currents of individual fancy.”²

If sovereignty is in danger of losing its meaning, then it is also in danger of losing its power, significance, and practicality for real-life use in Indian Country. This possibility further upset Deloria. He noted in 2001 that scholarly discussions of sovereignty did not demonstrate any commitment to the Indian community, indicating that scholarship in Native American studies must have some practical application to be worthwhile.³ He rebuked current scholars in no uncertain terms, avowing that,

. . . this generation is doing nothing for the people that come. They keep themselves in a little intellectual ghetto and throw around big words like “sovereignty” and think they are doing something. Not likely. If Clyde Warrior were alive today he would puke at what is happening.⁴

Deloria’s strongly worded criticisms should give all of us involved in Native American studies real pause. Are his harsh assessments correct? Is the concept of sovereignty “adrift on the currents of individual fancy”? Do we use the term imprecisely, even carelessly, to such an extent that it has lost any recognizable meaning? Do our scholarly discussions serve any practical purpose for Native communities? Are we letting down those people who came before us and those people to come?

Because I take Deloria’s words to heart, my purpose in this article is to consider carefully recent spirited conversations about sovereignty in order to restore some sense of balance. Our understanding of sovereignty must be flexible and negotiable but not so flexible that the term can mean anything. If we are to heed Deloria’s words, if our work is to be worthwhile to Native nations and not merely about them, then our concept of sovereignty must at least have some identifiable characteristics, some locatable meanings. Tribal sovereignty is too powerful a concept to diminish through frequent but diffuse conversation.

By examining historical definitions and Native and non-Native cultural conceptualizations of sovereignty as well as the theoretical interpretations of several Native scholars, this article seeks to provide a fuller understanding of a word imbued with power and possibilities for Native Americans, a word in which we have—for good *and* for ill—invested our futures, our continuance.

Understanding Sovereignty: Definitions and Basic Characteristics

As Native American studies scholars, we often refer to sovereignty in discussions in virtually every subject area, whether it be historical, literary, anthropological, etc.; in other words, every time we use the word “sovereignty,” we are not necessarily discussing its history, meanings, and applications (although we do that as well, of course). As a result, we often allude to the term in such a way that removes tribal sovereignty from the larger international discourse and understanding of “sovereignty” in general. This is, perhaps, a mistake.

It is important to situate discussion of tribal sovereignty within a description of the term’s history and popularly accepted salient characteristics. Several Native studies scholars have offered this important historical and descriptive context. For example, Scott Lyons (Ojibwe) has reminded us that the concept of sovereignty, which originated in feudal Europe, denoted the concept of a single “divine ruler.”⁵ Legal scholar Charles Wilkinson credits sixteenth-century philosopher Jean Bodin with coining the term, explaining that sovereignty “was equal parts theology (the sovereign—the crown—derives power directly from god) and metaphysics (sovereignty is both supreme and absolute; it cannot be divided up).”⁶

This classical notion of sovereignty is a far cry from modern uses of the term by the international community or, in particular, by the United States. Because America’s founders saw fit to implement a representational republican system and to separate governmental powers as well as matters of church and state, the concept of a supreme, absolute, divine ruler has not been the appropriate or tenable conceptualization of “the sovereign” in the United States. As a matter of fact, Wilkinson points out that Thomas Jefferson saw this classical concept of sovereignty as “an idea belonging to the other side of the Atlantic.”⁷

Today, nations on both sides of the Atlantic generally use sovereignty to signify a nation’s government. According to Jack Forbes (Chickahominy), sovereignty “has come to be regarded as the equivalent of an autonomous state and also as referring to ‘freedom from external control.’”⁸ In particular, sovereignty refers to a state’s “relative independence from *and among* other states,” a concept signifying “something systemic and relational.”⁹

Importantly, Lyons points out that while definitions of sovereignty have evolved, at the base of every definition is power, specifically a “locatable and recognizable power.”¹⁰ Here, Lyons underscores the notion of “recognition.” Although a nation’s, state’s, or people’s sovereignty is inherent—that is, not given or granted by any external entity—its power in the world, or ability to fully exercise that sovereignty, is based on the recognition, acknowledgment, and respect other nations accord it. A nation or people that exists in complete isolation has no need to name or discuss the exercise of sovereign powers.

However, modern nations do not, by any stretch of the imagination, exist in isolation; consequently, no nation is ever entirely free “from external control.” No modern sovereign—no matter how large or how powerful—exercises absolute sovereignty; all nations are limited by other nations, either through military force, economic sanctions, or simple market dynamics, reputation and public opinion, or some combination thereof.

But that is not all that “sovereignty” is. Taiaike Alfred (Mohawk) has suggested that “[s]overeignty today . . . is conceived as a wholly political-legal concept.”¹¹ Although the explanations given above certainly focus on a nation’s political and governmental status, I believe strongly that sovereignty also manifests some ineffable quality, not wholly of the legal realm. Wilkinson, for example, points out that “sovereignty carries with it an aura that transcends technical considerations of political science and law. Designation as a sovereign . . . implies a kind of dignity and respectability beyond its literal meaning.”¹² Similarly, Clara Sue Kidwell (Choctaw) and Alan Velie contend that “[a]lthough sovereignty is generally considered a political issue, it is also deeply embedded in culture, that is the association between sovereignty and cultural integrity.”¹³ Amanda Cobb, in her review of the NMAI for *American Quarterly*, also observes that early reviews of the Museum published in the *Washington Post* and *The New York Times* “were predominantly characterized by confusion, disappointment, and a sense of failed expectations” (Cobb 2005, 502-503).¹⁴

Muir, Clegg, and the reviews from the *Post* and the *Times* all underestimate the degree to which history and historical questions inform the NMAI’s exhibitions. However, as Cobb argues, the NMAI breaks a lot of rules with regard to museum presentation. Very simply, it is very much unlike any other representation of native Americans that the Smithsonian has ever presented. The briefest look at today’s international affairs will illustrate that a nation’s sense of its sovereignty and its ability to exercise those powers is deeply intertwined with its sense of self. Consider, for example, the United States, Iraq, Israel, China, France . . . and the list goes on. It is this aura, this emotional quality of sovereignty, that makes the term so powerful and defining it with precision so difficult; sovereignty is deeply and integrally related to what that nation believes, feels, and hopes about its identity and for its future.

Understanding Tribal Sovereignty: The Legal and the Political

At base, sovereignty is a nation’s power to self-govern, to determine its own way of life, and to live that life—to whatever extent possible—free from interference. This is no different for tribal sovereignty, which by and large shares the attributes and characteristics of sovereignty as contextualized above. Native nations are culturally distinct peoples with recognizable governments and, in most cases, recognizable and defined territories. The sovereignty of Native nations is inherent and ancient. For Native nations within the boundaries of the

United States, the underscoring of the inherent nature of sovereignty is critical because of the colonial process—a process that continues to dramatically diminish our ability to fully exercise tribal sovereignty. As David Wilkins (Lumbee) and K. Tsianina Lomawaima (Creek/Cherokee) have argued, “Tribes existed before the United States of America, so theirs is a more mature sovereignty, predating the Constitution; in that sense, tribal sovereignty exists ‘outside’ the Constitution.”¹⁵

Kidwell and Velie agree that sovereignty “is held to be an inherent right” but emphasize that “its political effect depends upon its recognition by other sovereigns.”¹⁶ Inherency and recognition are characteristics of sovereignty for all nations; however, the recognition and respect necessary to exercise sovereignty fully has not been consistently accorded Native nations by other sovereigns, particularly the United States. In fact, “[f]rom 1775 to the present, federal and state intentions toward tribes have changed direction in various ways. One could argue that indeterminacy or inconsistency is the hallmark of the tribal-federal relationship.”¹⁷ Because of this inconsistency, Native nations must constantly endeavor to exercise their sovereignty “under negotiation with states, in federal courts, and with the Congress of the United States.”¹⁸ That dynamic is virtually inescapable for tribal peoples on one level or another.

The recognition and exercise of tribal sovereignty is complicated by the power imbalance between the United States and Native nations. The American nation-state is so powerful, so hegemonic, that its cloak of sovereignty becomes almost invisible. The United States is so used to looking through the lens of its own powerful sovereignty—and, importantly, to having that image reflected back to it by other nations—that the United States, including its citizens, too often cannot recognize that what is looked through is merely a lens. Too often, the United States falls into the trap of mistaking that lens for its eye. As Alfred has pointed out, “the Western view of power and human relationships is so thoroughly entrenched that it appears valid, objective, and natural.”¹⁹ In other words, United States sovereignty has become normalized to such an extent that it rarely questions or is even conscious of any limit to its own sovereign powers.

Recent statements of the Bush administration illustrate this point. More than once, President Bush has explained that we have “given” the Iraqi people (whom we are occupying) their sovereignty. We heard an eerie echo of this rhetoric in what was meant to be a sympathetic, persuasive, election-year statement: In response to a question about what “tribal sovereignty means in the 21st century,” Bush responded, “Tribal sovereignty means that, it’s sovereign . . . You’ve been *given* sovereignty, and you’re viewed as a sovereign entity” (italics added).²⁰ That the President referred to sovereignty as America’s apparent “gift” to occupied tribal and Middle Eastern nations is disturbing on many levels, not least of which is the extent to which such comments belie the colonizer’s view of itself as controlling the sovereignty of the colonized.

The 2004 U.S. presidential elections further demonstrated the point of how unconscious participation is in this discourse. During the 2004 campaign, for

instance, both major candidates decried any foreign right or power to interfere in any U.S. decision to go to war. Even though “sovereignty” was not the explicitly stated centerpiece of the discourse, many Americans emphatically responded to the point: “How dare *they* tell *us* what we can do!” Such election season rhetoric highlights that the United States discusses its own sovereignty only when it is perceived as threatened in some way, or when it is implicitly or explicitly threatening others, flexing its muscle, or exercising its imperial power. And even in those discussions, the public does not often seem to conceptualize the discussion as “of sovereignty”; instead, it appears only to be engaging in an argument of self-evident or universally accepted truth: The United States is independent of foreign control or influence.

As previously discussed, no nation-state is wholly independent of foreign control or influence—not even the United States. However, as less economically and militaristically powerful sovereigns, Native nations do not have the luxury of ignoring the nuances of sovereign discourses that the United States enjoys or of assuming the universal acceptance of tribal independence. Because we are paracolonial nations, the foreign or colonizing powers’ recognition of our sovereignty is fragile and tenuous, and tribal powers are therefore constantly buffeted by outside forces. As a result, our consciousness of sovereignty is heightened; Native people filter our daily actions through this lens and are constantly reminded that it is indeed a lens in need of vigilant protection and careful maintenance. So, unlike the United States, which does not need to use the term sovereignty to know that others recognize it, we focus on it with laser-beam intensity.

We also ask that our sovereignty be recognized not only by the United States but also by its individual states and municipalities, by other Native nations, and by other nations throughout the world. Most often, however, our focus centers on relations with the federal government because, as Jace Weaver (Cherokee) aptly notes, “Aside from his or her relation to family, clan, or tribal nation, an Indian’s most significant relationship is with the federal government.”²¹

That close relationship with the federal government is an unavoidable by-product of colonization. Unfortunately, throughout history, the federal government has at every opportunity sought to limit the exercise of sovereign tribal powers. Particularly since Geronimo’s surrender and the formal cessation of the Indian Wars in 1871, the United States has waged its campaign to limit tribal sovereignty through a rhetorical process of definition and redefinition that Lyons has termed “rhetorical imperialism”—the ability of dominant powers to assert control of others by setting the terms of debate. The terms are often definitional, that is, they *identify* the parties by describing them in certain ways.²² Lyons offers powerful examples of this process:

From “sovereign” to “ward,” from “nation” to “tribe,” and from “treaty” to “agreement,” the erosion of Indian national sovereignty can be credited in part to a rhetorically

imperialist use of writing by white powers, and from that point on, much of the discourse on tribal sovereignty has nit-picked albeit powerfully, around terms and definitions.²³

Yes, much of the discourse on tribal sovereignty has “nit-picked” around terms and definitions. More important, however, is that the terms or definitions of tribal sovereignty have real, tangible consequences in the everyday experiences of Native Americans. It is through these terms and definitions that Native nations experience limitations on their abilities to exercise sovereignty and live as they choose.

As is the case for other nations, tribal sovereignty carries a cultural component, and this component is often highlighted both by Native nations and by the United States—although often in very different ways. For Native nations, concepts of government and culture are inseparable. The concept of government or even self-government does not and cannot adequately express or “assuage the needs of a spiritual tradition that remains very strong within most tribes and that needs to express itself in ways familiar to the people” as eloquently stated by Deloria and Clifford Lytle.²⁴ Similarly, Wilkins has stated that tribal sovereignty “can be said to consist more of continued cultural integrity than of political powers and to the degree that a nation loses its sense of cultural identity, to that degree it suffers a loss of sovereignty.”²⁵

Sovereignty is, in effect, cultural continuance. Certainly, cultural or national identity is a part of the United States’ understanding of its own sovereignty. However, for the United States, tribal cultural integrity is viewed not as a natural part of an inherent sovereign but instead as a criterion, a quality that Native nations must prove for their sovereign status to be recognized. Thus, cultural integrity can function not as the act of indigenous self-definition that it is, but instead as a way for the colonizer to define and control the colonized. As Kidwell and Velie stated,

Cultural continuity is a requirement for federal recognition for tribes . . . if American Indians cannot demonstrate their cultural distinctiveness within American society, Congress can simply terminate its government-to-government relationships with tribes and deny their sovereignty, as happened during the termination era of the 1950s.²⁶

More than one Native American studies scholar has argued that sovereignty, as depicted in the colonial, oppressive scenario described above, is not sovereignty at all, and that consequently, sovereignty is an inappropriate term and concept for Native peoples. The most vocal of these scholars is Alfred, who argues that “sovereignty is an exclusionary concept rooted in an adversarial and coercive Western notion of power.”²⁷ According to Alfred, “as long as sover-

eignty remains the goal of indigenous politics . . . [,] Native communities will occupy a dependent and reactionary position relative to the state."²⁸ Alfred argues that "a paradigm bounded by the vocabulary, logic, and institutions of 'sovereignty' will be blind to the reality of a persistent intent to maintain the colonial oppression of indigenous nations."²⁹ Therefore, he calls for scholars to "transcend the mentality that supports the colonization of indigenous nations, beginning with the rejection of the term and notion of indigenous 'sovereignty.'"³⁰

Alfred's compelling argument has much to recommend it. It is true that Native nations cannot match the power of the United States government (although we would do well to remember that the power of the United States is not limitless). It is also true that the United States limits the exercise of tribal sovereignty in ways that privilege its own dominance. American courts, for example, continue to charge ahead and use the colonizing language of U.S. federal Indian law to diminish inherent tribal sovereignty to "quasi-sovereignty" and less, a manipulation and perpetual redefinition, as Lyons has described, that affects the day-to-day lives of Indian people in very specific and dangerous ways. Our response, however, should not be to unilaterally reject the term in favor of more ostensibly user-friendly terms, such as self-determination or cultural autonomy, terms that have their own independent value. Instead, given that the word itself has such powerful and legal consequences in American courtrooms as well as in the international community of which Native nations are a part, we must use the term sovereignty and the discourse surrounding it as a critical tool to strengthen tribal cultural, political, and economic autonomy.

We cannot forget that the language of sovereignty carries practical power; it is not merely theoretical or rhetorical flourish. As Wilkins significantly reminds us, the practical powers of tribal sovereigns include (but are not limited to) the following:

. . . the power to adopt its own form of government; to define the conditions of citizenship/membership in the nation; to regulate the domestic relations of the nations' citizens/members; to prescribe rules of inheritance with respect to all personal property and all interest in real property; to levy dues, fees, or taxes upon citizen/members and noncitizens/nonmembers; to remove or to exclude nonmembers of the tribe; to administer justice; and to prescribe the duties and regulate the conduct of federal employees.³¹

If sovereignty carries those powers, then it unquestionably remains an appropriate term for Native nations. Furthermore, it is these very political/legal powers that enable and sustain the cultural continuance we hold so dear. According to Wilkinson, for example,

litigation and legislative initiatives bore directly on culture. Rights to land and hunting and fishing are bathed in ceremony and spirituality. The right to be heard in tribal, rather than state, court means that a controversy will probably come before a judge sensitive to cultural concerns. The sovereign right to charter and regulate schools and colleges means that tribes can assure culturally appropriate classrooms.³²

Unlike Alfred, I do not think sovereignty is a term or concept we should reject. Government and culture are not separate ideas; each is manifested in and reflective of the other. If so, then perhaps Wilkinson is correct in his statement that “[s]overeigns—and perhaps only sovereigns—can perpetuate the unique communal cultures of land-based aboriginal peoples.”³³

Alfred is dead-on in his assessment that sovereignty is very much tied to a Western understanding of power and relationships.³⁴ However, I do not accept his notion that it is the *concept* of sovereignty, per se, that is coercive; instead it is our *experience* of inter-sovereign relationships, particularly with the United States, that has been coercive. Native nations exist within the United States, and the ability to exercise our sovereign powers is directly linked to our relationship with the United States. Therefore, Western cultural values are inescapably imbedded in the way the United States understands the term and understands (or does not understand) Native nations.

The root of this problem is, of course, one both of conflicting interests and of clashing worldviews and a breakdown in communication and understanding. If sovereignty, for any nation, includes the notion of government and the notion of culture or national identity, then where does the breakdown occur? Sovereignty, as employed in the American sense, connotes the nation’s ability to self-govern as a nation of individuals with individual rights. Sovereignty, for Native peoples, on the other hand, has a very different purpose. According to Lyons:

A people is a group of human beings united together by history, language, culture, or some combination therein—a community joined in union for a common purpose: the survival and flourishing of the people itself. It has always been from an understanding of themselves as a people that Indian groups have constructed themselves as a nation. . . . [T]he making of political decisions by Indian people hasn’t been the work of a nation-state so much as that of a *nation-people*. The sovereignty of individuals and the privileging of procedure are less important in the logic of a nation-people, which takes as its supreme charge the sovereignty of the group through a privileging of its traditions and culture and continuity.³⁵

Fourth World theorist Kathy Seton also recognizes this different theme, noting that “indigenous nations are not recruited to their political situation on the basis of either ideology [capitalism/socialism] or their economic well-being [industrial/undeveloped]. . . . Their struggles for self-determination are struggles to retain and/or regain cultural solidarity which unite them as a distinct people.”³⁶ This distinction is an important starting point in any discussion of western-versus-indigenous concepts of sovereignty. For Native peoples, or nation-peoples, sovereignty is the nation’s ability to exist, thrive, and continue—not as individuals with individual rights, but as a collective whose sole existence is geared toward the continuation of the group. For the federal government, the twin pillars of sovereignty are the power to self-govern and individual rights. For Native nations, the twin pillars are the “power to self-govern and the affirmation of peoplehood.”³⁷ We will know that we are changing the terms of debate when the federal government and non-tribal America generally recognize and accept this crucial cultural difference in views of sovereignty. According to Deloria, “It is absolutely vital to the continuance of any semblance of society for the recognition of groups as groups to be acknowledged.”³⁸

Understanding Tribal Sovereignty: The Ineffable and Transformative

Thus far, I have offered definitions and basic characteristics of sovereignty as well as legal and political conceptualizations. However, such a discussion is incomplete. As noted previously, sovereignty manifests an emotional quality, not wholly of the legal realm, that is integrally tied to culture. Therefore I would like to turn my attention to those qualities of sovereignty that are emotional, ineffable, and potentially transformative.

When teaching poetry, I ask students not to worry so much about “what” a given poem means—for example, the literal meaning of the words on the page—but instead to concentrate on “how” the poem has meaning, for example, the tone, the diction, the meter, etc.³⁹ All too often, students confuse one piece of the poem—the literal content—with the whole of the poem in a way they would never confuse the lyrics of a song with the whole song. In the same way, Native Studies scholars should consider “how” sovereignty means or works. After all, sovereignty really has practical meaning only as we experience it in the context of our relationships within our own nations and with other nations, including the United States. Because sovereignty has meaning only in the context of lived experiences, it is by definition culturally specific and dynamic.

Many Native intellectuals have theorized sovereignty in those terms. For example, Robert Warrior (Osage) provides the following excellent analysis of Vine Deloria’s conceptualization of sovereignty:

The path of sovereignty, he [Deloria] says, is the path to freedom. That freedom, though, is not one that can be immedi-

ately defined and lived. Rather, the challenge is to articulate what sort of freedom as it “emerg[s]” through the experience of the group to exercise the sovereignty which they recognize in themselves. . . . Through this process-centered definition of sovereignty, Deloria is able to avoid making a declaration as to what contemporary American Indian communities are or are not. Instead, Deloria recognizes that American Indians have to go through a process of building community and that that process will define the future.⁴⁰

Warrior gives particular attention to sovereignty as a *process* of building community. He sees sovereignty as an active process, not an end result, calling sovereignty “. . . a decision we make in our minds, in our hearts, and in our bodies—to be sovereign and to find out what that means in the process.”⁴¹ Lyons’s discussion also emphasizes process but casts sovereignty in a distinctly narrative structure:

Sovereignty is the guiding story in our pursuit of self-determination, the general strategy by which we aim to best recover our losses from the ravages of colonization: our lands, our languages, our cultures, our self-respect. For indigenous people everywhere, sovereignty is an ideal principle, the beacon by which we seek the paths to agency and power and community renewal. Attacks on sovereignty are attacks on what it enables us to pursue; the pursuit of sovereignty is an attempt to revive not our past, but our possibilities.⁴²

Clearly, Lyons views sovereignty as a “guiding story,” a “strategy,” an “ideal principle,” a “beacon,” what we “pursue,” our “possibilities.” By casting sovereignty not only in terms of process, but more particularly in narrative terms, sovereignty becomes the ongoing story of ourselves—our own continuance. Sovereignty is *both the story or journey itself and what we journey toward*, which is our own flourishing as self-determining peoples.

And so, “what” does sovereignty mean? Self-governance, recognized by others, for the purpose of peoplehood—the continuation of the community’s way of life. “How” does sovereignty have meaning? In living.

Placing emphasis on the “how” of sovereignty underscores the ability of dynamic cultures to find pragmatic ways to appropriate elements of a new ideology or system into their own belief systems and practices. Indeed, as Wilkinson expressed, “The struggle of aboriginal people to adapt to this cultural onslaught while maintaining their cultural pride and identity has been a recurrent theme in non-Western societies in the last century,”⁴³ or, I suggest, since contact and likely

before. I believe that, as Native nations, we possess the power to reshape or transform the notion of sovereignty, as it is understood by the United States and as we experience it as paracolonial nations, to fit our cultural needs and goals and are actively doing so.

If our inter-sovereign relationship with the United States has been controlled by the United States' conceptualization of sovereignty, if they have practiced rhetorical imperialism by setting the terms of the debate, then what Native communities have been doing is "reinventing the enemy's language" or transforming the discourse of sovereignty on our own terms.⁴⁴ As Simon Ortiz (Acoma) writes in his poem, "Creating Language," we must become a *creator* of language, rather than merely a *speaker* of it.

To use language,
the speaker has to know
its real bones, guts, blood,
spirit, mind, hearts.
He has to know its pain
and its joy.
He has to know its creation.
And the only way he can
is to know
he is being created
as he speaks it.
He is a creator then
of that language.⁴⁵

Agency, in any language, comes only from a place of power through acts of creation, acts of defining—for Native peoples, through reinvention or transformation.

Many scholars have noted that this sort of transformation is easily observable in Indian Country. Alfred describes this phenomenon well, noting that, "In the political sphere, Native societies are abandoning institutions and values which were imposed on them by force or through the insidious operation of assimilation programs . . . [, and] Native political thinkers have been as innovative as the most creative artist in re-orienting traditional forms to suit a new political reality."⁴⁶ Wilkinson offers concrete, practical examples of this innovation, observing how "[t]ribes have asserted the right to develop new forms of governmental institutions, the best examples being formal judicial and taxing systems."⁴⁷

Understanding Sovereignty: Theoretical Conceptualizations

Significantly, this transformation process has not only been occurring in the governmental sphere, but in every other aspect of culture from religious

practices and ceremonies to literary or artistic cultural production. As a result, scholars who primarily focus on aspects of culture and cultural production have posited various theoretical conceptualizations of sovereignty in order to explain specific transformative cultural processes. For example, my own work examines how in creating the National Museum of the American Indian (NMAI), Native Americans turned what has historically been used as an instrument of colonization and dispossession—a museum—into something else, in this case, into an instrument of self-definition and cultural continuance. I argue that by disrupting and complicating the United States' master national narrative in a Smithsonian museum, the NMAI serves as a powerful exercise in “cultural sovereignty” for Native nations.⁴⁸

Filmmaker Beverly Singer (Santa Clara) defines “cultural sovereignty” from the perspective of a practitioner in the filmmaking process. According to Singer:

. . . cultural sovereignty involves trusting the older ways and adapting them to our lives in the present . . . [Native] films and videos are helping to reconnect us with very old relationships and traditions. Native American filmmaking transmits beliefs and feelings that help revive storytelling and restore the old foundation.⁴⁹

Thus, for Singer, practicing cultural sovereignty involves using traditions as a map for the future by making the “old ways” part of contemporary life.

This is consistent with Warrior's process-centered analysis of Vine Deloria, Jr.'s work. Like Singer, Deloria focuses not merely on tradition, but on the adaptation of tradition. As Warrior points out, “The return to tradition . . . cannot in Deloria's analysis be an unchanging and unchangeable set of activities, but must be part of the life of a community as it struggles to exercise its sovereignty. . . . To understand what the ‘real meaning’ of traditional revitalization is, then, American Indians must realize that the power of those traditions is not in their formal superiority but in their adaptability to new challenges.”⁵⁰

Both Singer and Deloria remind us that unless the traditions are adapted to contemporary life and contemporary goals, we risk becoming caught between living in “the romantic old days” or competing “with the non-Indian world for funds, resources, and rights” without reflection.⁵¹ According to Warrior, “to believe we can live free from and untainted by the rest of the world is to unwittingly play a parochializing, monolithic Anglo-versus-Indian game, the rules of which have been set up for our failure.”⁵² Only by making our cultural values and traditions part of our contemporary and dynamic lives can we avoid this deadly game of either/or. Being sovereign requires reflection; without it, we will risk unconsciously mimicking the larger society, and, to echo Deloria, where is the self-determining in that?

Warrior urges Native scholars to engage in another transformative practice, which he calls “intellectual sovereignty.” Like Singer's and Cobb's cul-

tural sovereignty, intellectual sovereignty is based on the notion of sovereignty as an open-ended process, a beginning step rather than an ending. Warrior contends that, “it is now critical for American Indian intellectuals committed to sovereignty to realize that we too must struggle for sovereignty, intellectual sovereignty, and allow the definition and articulation of what that means to emerge as we critically reflect on that struggle.”⁵³

In spite of Warrior’s admonition that intellectual sovereignty should emerge organically over time, Warrior could certainly explain the term more clearly. I believe that the term is intended to empower Native scholars—to make us consider the possibility that we spend too much time “writing back” to the colonizer rather than “writing forward,” charting our own course and not looking for outside approval. Intellectual sovereignty provides Native scholars with a way to view intellectual work. Warrior reminds us, tying the theoretical to the lived, that intellectual work is not separate from the work of our communities but provides the reflection to make self-determination truly self-determining.

Jace Weaver builds on Warrior’s “intellectual sovereignty” by introducing what he calls “hermeneutical sovereignty.” Weaver argues that Native scholars need not turn to Western critical theories and interpretive frameworks to analyze our own cultural production. Relying on these frameworks is part of what Weaver describes as the colonial paradigm currently in place in academe. He states that if “we are ever to dismantle the colonial paradigm and move to a place ‘after’ and ‘beyond’ colonialism and the imperialist readings it engenders, we must have hermeneutical sovereignty as well.”⁵⁴ Weaver’s notion is specific not only to intellectual textual work, like Warrior’s, but also to method, asking Native scholars to develop our own hermeneutic or theories of criticism by which to read and understand our own cultural production.

Weaver further develops the concept of hermeneutical sovereignty by positing that a post-colonial hermeneutic must come from and account for the community and is therefore appropriately called a “we-hermeneutic.” He states that “Community is not only a tool or a framework for the hermeneutical task but also its ultimate goal”—the community is the context necessary for understanding a text and the aim of textual interpretation. He calls this post-colonial we-hermeneutic *communitist*. According to Weaver:

... the single thing that most defines Indian literatures relates to this sense of community and commitment to it. It is what I term *communitism*. *Communitism*, or its adjectival form *communitist*, is a neologism of my own devising. Its coining is necessary because no other word from the Latin roots *communis* or *communitas*—communitarian, communal, communitist, etc.—carries the exact sense necessary. It is formed from a combination of the words *community* and *activism* or *activist*. Literature is communitist to the extent that it has a proac-

tive commitment to Native community, including the wider community. In communities that have too often been fractured and rendered dysfunctional by the effects of more than five hundred years of colonialism, to promote communitist values means to participate in the healing of the grief and sense of exile felt by Native communities and the pained individuals in them.⁵⁵

Weaver, like Singer and Warrior, ties his discussion of sovereignty firmly to the present and the future. Communitism, with its community roots and activist branches, is about possibilities. As such, it is inherently and powerfully hopeful.

Lyons introduces another variation: “rhetorical sovereignty.” Like intellectual and hermeneutical sovereignty, rhetorical sovereignty deals specifically with the power of words and discourse, but, significantly, broadens our definitions of “text.”

Rhetorical sovereignty is the inherent right and ability of *peoples* to determine their own communicative needs and desires in this pursuit, to decide for themselves the goals, modes, styles, and languages of public discourse.⁵⁶

For Lyons, rhetorical sovereignty accounts for the battles fought “in court and the culture-at-large” by Native people, people with true agency, “who knew how to read and write the legal system, interrogate and challenge cultural semiotics, generate public opinion, form publics, and create solidarity with others.”⁵⁷

Those battles fought in court and in the culture-at-large exemplify Native People struggling to overturn rhetorical imperialism and redefine the terms of the debate. According to Lyons, “That behind each of these victories were contests over the acts of reading and writing is obvious; what needs to be underscored is that both are also victories of rhetorical sovereignty.”⁵⁸

Final Thoughts

These scholars’ theoretical conceptualizations of sovereignty—cultural, intellectual, hermeneutical, and rhetorical—demonstrate the power the term sovereignty has to transform oppressive practices and to revitalize cultures. However, are these conceptualizations, removed as they are from the political/legal realm, actually “adrift on the currents of individual fancy” that gave Deloria such pause? Do they add nuances to the term sovereignty in such a way that actually subtracts power and practical meaning?

If notions of government are truly intertwined and imbedded in culture as suggested here, then using sovereignty as a tool to understand cultural practices makes sense. After all, if Native government systems are strong, culturally ap-

propriate, and recognized and respected by other sovereigns, then Native People are capable of practicing other aspects of culture safely, securely and free from interference. It is no accident that the resurgence in Native arts, languages, and traditions has occurred at the same time as the resurgence in government and economic systems. What we have experienced has been a resurgence and revitalization of culture, which encompasses *all* of our practices and ways of life.

On the other hand, notions of cultural, intellectual, hermeneutical, and rhetorical sovereignty do cause me to question the extent to which Native studies scholars use the term sovereignty interchangeably with the term decolonization. What is the difference between the practice of sovereignty and decolonization? Cultural, intellectual, hermeneutical, and rhetorical sovereignty are all concepts that focus on throwing off the colonial mantle. And, certainly, revitalization in the political sphere is also focused on negotiating and overcoming institutional oppression.

Joanne Barker (Lenape) has written, "Sovereignty carries the horrible stench of colonialism."⁵⁹ Although Barker importantly notes that sovereignty has been "rearticulated to mean altogether different things by indigenous peoples,"⁶⁰ I would point out that it is not sovereignty that carries the "stench of colonization" but our inter-sovereign experience with the colonizer. Alfred, in a section of an article titled "A Post-Sovereign Future," noted that "[m]ost of the attention and energy thus far has been directed at the process of decolonization There has been a fundamental ignorance of the end values of the struggle." Significantly, he posed the question, "What will an indigenous government be like after self-government is achieved?"⁶¹ Alfred might be suggesting that "post-sovereignty" occurs after the decolonization process.

I cannot help but disagree with this way of thinking. What will indigenous governments be like after self-government is achieved? After decolonization? My belief is this: We will look, feel, and be sovereign. Not "post-sovereign," but sovereign. At the present moment, the exercise of sovereignty and the process of decolonization look very similar; however, it is critical for us to remember that they are not identical. Tribal sovereignty is inherent and ancient. We were sovereigns long before the United States came into being, long before we experienced the devastation wrought by physical, psychological, cultural, and institutional colonization. Although we cannot deny that decolonization is and will be a very, very long process, I choose to believe that our sovereignty—our continuance—will far outlast the healing process. As Charles Wilkinson so significantly reminds us,

. . . tribalism is ultimately a matter of self-definition. Federal recognition may be withdrawn. The tribal unit may change when a catastrophic event occurs . . . a tribe may redefine itself ethnologically. But tribalism continues until the members themselves extinguish it. Tribalism depends on a tribe's own will.⁶²

Conflating the exercise of sovereignty with the process of decolonization risks keeping us forever colonized, forever internally oppressed. Perhaps it is time to “decolonize” our definition of sovereignty and anchor our definition to the sure knowledge of our own continuance.

Notes

1. Stuart Levine and Nancy O. Lurie, “The Indian Today,” *Midcontinent American Studies Journal* 6 (Fall 1965).
2. Vine Deloria, Jr., “Intellectual Self-Determination and Sovereignty: Looking at the Windmills in Our Minds,” *Wicazo Sa Review* 13,1 (1998): 26-27.
3. Vine Deloria, Jr., “No More Free Rides,” in *Native American Literatures: Boundaries and Sovereignties*, ed. Kathryn Shanley (Vashon Island, WA: Paradoxa, 2001), 287.
4. Deloria, Jr., “No More Free Rides,” 287. Clyde Warrior (Ponca), the co-founder of the National Indian Youth Council, was perhaps the best known leader of the Indian youth movement of the 1960s. Warrior’s overtly confrontational style and his focus on Native nationalism inspired Indian youth and gave direction to the Red Power movement in the following decades.
5. Scott Lyons, “Rhetorical Sovereignty: What Do American Indians Want from Writing?” *CCC* 51,13 (2000): 450.
6. Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W.W. Norton Company, 2005), 248. (Italics in original).
7. Wilkinson, *Blood Struggle*, 248.
8. Jack Forbes, “Intellectual Self-Determination and Sovereignty: Implications for Native Studies and for Native Intellectuals.” *Wicazo Sa Review* 13,1 (1998): 14.
9. Lyons, “Rhetorical Sovereignty,” 450.
10. *Ibid.*, 450.
11. Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (New York: Oxford University Press, 1999), 67.
12. Charles Wilkinson, *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy* (New Haven: Yale University Press, 1987), 55.
13. Clara Sue Kidwell and Alan Velie, *Native American Studies* (Lincoln: University of Nebraska Press, 2005), 75.
14. For a thorough discussion of the significance of the National Museum of the Native American from a wide variety of Indigenous perspectives, also see the special issue of *American Indian Quarterly* edited by Cobb and devoted to the NMAI (Cobb 2005b).
15. David Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001), 5.
16. Kidwell and Velie, *Native American Studies*, 62.
17. Wilkins and Lomawaima, *Uneven Ground*, 10
18. Kidwell and Velie, *Native American Studies*, 79.
19. Alfred, *Peace, Power, Righteousness*, 63.
20. Mark Trahan, *Washington Post*, “Transcript: Bush’s Remarks to Unity,” August 6, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A45340-2004Aug6.html>.
21. Jace Weaver, *Other Words: American Indian Literature, Law, and Culture* (Norman: University of Oklahoma Press, 2001), ix.
22. Lyons, “Rhetorical Sovereignty,” 452.
23. *Ibid.*, 452-453.
24. Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1984), 14.
25. David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: University of Texas Press, 1997), 21.
26. Kidwell and Velie, *Native American Studies*, 62.
27. Alfred, *Peace, Power, Righteousness*, 59.
28. *Ibid.*
29. Taiaiake Alfred, “Sovereignty,” in *A Companion to American Indian History*, ed. Philip Deloria and Neal Salisbury (New York: Blackwell, 2002, 2004), 466.
30. Alfred, “Sovereignty,” in *A Companion to American Indian History*, 466. I am not suggesting that Alfred recommends discarding the term “sovereignty” altogether.
31. David Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: University of Texas Press, 1997), 20.
32. Wilkinson, *Blood Struggle*, 352-353.
33. *Ibid.*, 239.
34. Alfred, *Peace, Power, Righteousness*, 54.

35. Lyons, "Rhetorical Sovereignty," 452.
36. *Ibid.*, 455.
37. Kathy Seton, "Fourth World Nations in the Era of Globalisation: An Introduction to Contemporary Theorizing Posed by Indigenous Nations," in *Fourth World Journal* (Center for World Indigenous Studies, 1999), <http://www.cwis.org/fwj/41/fworld.html> (accessed February 17, 2006).
38. Lyons, "Rhetorical Sovereignty," 456.
39. John Ciardi, *How Does a Poem Mean?* New York: Houghton Mifflin, 1960.
40. Vine Deloria, Jr., *We Talk, You Listen: New Tribes, New Turf* (New York: Macmillan, 1970), 136.
41. Robert Allen Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: University of Minnesota Press, 1995), 91.
42. *Ibid.*, 123.
43. Lyons, "Rhetorical Sovereignty," 449-450.
44. Wilkinson, *American Indians, Time, and the Law*, 74.
45. Joy Harjo and Gloria Bird, eds. *Reinventing the Enemy's Language: Contemporary Native Women's Writings of North America* (New York: W.W. Norton and Company, 1997).
46. Simon Ortiz, *After and Before the Lightning* (Tucson: University of Arizona Press, 1994), 109.
47. Gerald Alfred, *Heeding the Voices of Our Ancestors: Kahnawake Mohawk Politics and the Rise of Native Nationalism* (New York: Oxford University Press, 1995), 7.
48. Wilkinson, *American Indians, Time, and the Law*, 69.
49. Amanda J. Cobb, "The National Museum of the American Indian as Cultural Sovereignty," *American Quarterly* 57,2 (2005): 485-506.
50. Beverly Singer, *Wiping the Warpaint Off the Lens: Native American Film and Video* (Minneapolis: University of Minnesota Press, 2001), 2.
51. Warrior, *Tribal Secrets*, 93-94.
52. Vine Deloria, Jr., "Higher Education and Self-Determination," in *Spirit and Reason: The Vine Deloria, Jr. Reader*, ed. Barbara Deloria, Kristen Foehner, and Sam Scinta (Golden, Co: Fulcrum, 1999), 149.
53. Warrior, *Tribal Secrets*, 115.
54. *Ibid.*, 97-98.
55. Weaver, *Other Words*, 304.
56. *Ibid.*, 49.
57. Lyons, "Rhetorical Sovereignty," 449-450.
58. *Ibid.*, 466.
59. *Ibid.*
60. Joanne Barker, ed. *Sovereignty Matters* (Lincoln: University of Nebraska Press, 2005), 26.
61. *Ibid.*, 26.
62. Taiaiake Alfred, "Sovereignty," in *Sovereignty Matters*, ed. Joanne Barker (Lincoln: University of Nebraska Press, 2005), 467.
63. Wilkinson, *American Indians, Time, and the Law*, 77.

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