



American Indians and the Trouble with Sovereignty: A Turn toward Structural Self-Determination. By Kouslaa T. Kessler-Mata. Cambridge University Press, 2017. 148 pages. \$99.99 cloth; \$80.00 electronic.

The sovereignty of American Indian tribes is a multifaceted issue that has been subject to shifting interpretations since first contact with Europeans. This shifting is largely one-sided, though, because it is the United States government's interpretation of tribal sovereignty that has varied most over time. Multiple applications of the term (to both cultural and legal sovereignty, for example), in addition to the US government's shifting applications in both laws and judicial opinions, have finally led some scholars to argue that the term *sovereignty* has lost meaning altogether. *American Indians and the Trouble with Sovereignty*, however, does not contend that sovereignty has lost all meaning; rather, Kouslaa T. Kessler-Mata argues that sovereignty as it is currently understood— independence and autonomy—cannot secure the freedom that American Indians seek. She believes that what constitutes freedom for tribes must be redefined and the way in which that freedom is achieved needs to be reconsidered.

The thrust of Kessler-Mata's argument is that because sovereignty is a concept derived from European nation-states and, in the United States, is largely understood through various Supreme Court decisions, the current understanding of tribes as inherent sovereigns reinforced through treaty agreements will never achieve true freedom for tribes, especially as shifting legal interpretations of sovereignty combine with the plenary power of Congress. In short, Kessler-Mata contends that the theoretical framework for freedom as it pertains to tribes must be reworked: tribal freedom should be reconceptualized as the ability to exercise self-governance and self-determination without arbitrary interference by states and the federal government. The best way to achieve this degree of freedom, then, is to create interdependence with other political entities through agreement-making, which is then reinforced and strengthened by entry into the federal system.

Kessler-Mata concedes that her argument is controversial and expects critiques from tribes, legal scholars, and government administrators. In order to blunt some of these critiques, she addresses a few of the counterarguments in the first chapter. For example, she notes there are likely to be objections from tribes that entrance into the federal system will diminish their sovereignty. According to Kessler-Mata, this would be a strong argument if tribes had true sovereignty, but due to the plenary power of Congress, in reality "tribal sovereignty has little structural influence or stability in US politics" (20). She also rebuts a second argument that states will object to the inclusion of tribes in the federal system on both philosophical and self-interested grounds. Philosophically, states are likely to object that tribal inclusion in the federal system will violate sentiments of national identity and constitutional conventions; out of

self-interest, states are also likely to object based on potential threats to their political power, territorial integrity, and funding. Kessler-Mata argues in response that in the long term, states will benefit from the inclusion of tribes because rather than ceding power to the courts to arbitrate differences, they will be able to interact more directly.

Early in the book Kessler-Mata makes it clear that her notion of sovereignty and freedom is intended to provide the foundations for discussion around the legal context of tribes in the United States and that thus, a number of appurtenant issues will be left unanswered. Despite this caveat, two areas would benefit from further elucidation. First, much of her argument is pragmatic in that the author believes the way that sovereignty is currently understood and pursued cannot actually be realized. As such, she believes it is necessary to replace both the theoretical framework which defines freedom for tribes and the vehicle through which it is pursued. Chapter 6 provides a well-reasoned argument on what should constitute freedom, while the author's proposed federalist framework is woven throughout the book. The reader is left wanting, however, for more information about the actual mechanism which moves tribes from the outskirts of the Constitution to the inside. Kessler-Mata believes that "federalization of tribal governments is occurring through the processes of agreement-making, political participation, and other ad-hoc engagement between tribes and non-federal state and local governing entities" (122) but concedes that it would be difficult to accomplish the amendment to the Constitution required to formalize this transition. Furthermore, the author does not elaborate on what tribal inclusion would look like once tribes are formally added to the federal system, though she believes it would not be politically feasible either to add them as individual states or to incorporate them with a status similar to that of Puerto Rico. The reader is therefore left to consider whether the formal federalization of tribes is an achievable goal altogether.

Also somewhat unclear is the role that agreement-making plays, both as a sign of tribes' inclusion into the existing federal framework and as a better vehicle for providing tribal freedom. Specifically, if agreements are one of the best ways for tribes to secure their position in the federal system and shield themselves from arbitrary incursion from the plenary power of Congress, what happens to those tribes that lack the capacity to engage in robust negotiations over such agreements? While Kessler-Mata recognizes the differing institutional and economic capacity of tribes at various points throughout, she does not confront how this would disadvantage tribes without the resources to engage in time-consuming negotiations.

Further, as contested agreements are subject to judicial review, are these not also at risk from the whims of the judiciary? Similarly, even if tribes were incorporated in the federal framework, would they not still be subject to the Constitution's supremacy clause? While inclusion in the federal system may provide tribes stronger political and institutional linkages, important questions such as these are not fully addressed and thus, it is not entirely clear that moving from an extra-constitutional status to a constitutional one will grant tribes a new degree of freedom.

Nonetheless, the solid theoretical foundation that Kessler-Mata provides is sure to spur future discussions. Given that sovereignty is a key issue both for tribes and those that engage with them, such as academic and legal scholars, policymakers, and

bureaucrats, work that addresses this topic head-on is important. Kessler-Mata's work not only addresses the current understanding of sovereignty, but also provides an alternate framework to consider and discuss moving forward. While anyone interested in the subject of tribal sovereignty will benefit from reading this book, those that are frustrated with the current state and progress of tribal sovereignty and freedom will find this book especially interesting.

Christopher M. Page
Portland State University

As We Have Always Done: Indigenous Freedom through Radical Resistance. By Leanne Betasamosake Simpson. Minneapolis: University of Minnesota Press, 2017. 312 pages. \$24.95 cloth; electronic editions also available.

I first read the work of Nishnaabeg scholar, activist, and artist Leanne Betasamosake Simpson about a decade ago. I felt as though she had written to me in the same way that Simpson describes reading Lee Maracle's *I Am Woman* (2003): "She just spoke her truth, without apologies" (33). Throughout the years I have continued to seek her work for insight, solace, and strength. Her latest book, *As We Have Always Done: Indigenous Freedom through Radical Resistance*, feels like a good long visit in which Simpson has generously shared her honesty, fortitude, and love.

The opening scene captures much of the brilliance woven throughout the book. Simpson is home, in Nishnaabeg territory, in an area now commonly known as the settler town of Peterborough, Ontario. Her children are there, and Nishnaabeg Elder Doug Williams is there in spirit as Simpson recalls something he once told her. All at once, this first passage is full of the spatiotemporality, everydayness, and intimate relations that are indigenous intelligence and radical resurgence. Her relationship with Williams, she later shares, has taught her more than any other about what it means to be a Michi Saagiig Nishnaabeg.

While Simpson has long theorized about indigenous resurgence, she deliberately uses *radical* resurgence in this book to differentiate between the kind of resurgence that settler colonialism creates and the thorough and comprehensive resurgence that indigenous peoples have always lived. She contends that in a reconciliatory era, resurgence has been co-opted by recovery-based narratives in which colonialism is relegated to past wrongs and trauma from which indigenous peoples themselves become individually responsible to heal. Meanwhile, as the settler state and citizens embrace depoliticized forms of cultural revitalization in a celebration of indigenous culture, indigenous lands and peoples continue to be subjected to colonial violence and dispossession. Simpson juxtaposes this settler-colonial version of resurgence—which becomes part of the very fabric of securing settler-colonial hegemony—to what she calls "The Radical Resurgence Project" (34). Simpson is deploying *radical* "to mean root, to channel the vitality of my Ancestors to create a present that is recognizable to them because it is fundamentally different than the one settler colonialism creates"