

Rebuilding Native Nations: Strategies for Governance and Development

**Edited by
Miriam Jorgensen**

**The Native Nations Institute for Leadership, Management, and Policy
Udall Center for Studies in Public Policy
The University of Arizona**



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CHAPTER 2

Development, Governance, Culture: What Are They and What Do They Have to Do with Nation Building?

Manley A. Begay, Stephen Cornell, Miriam Jorgensen, and Joseph P. Kalt

The Need for Definitions

“Development,” “governance,” “culture”--these are loaded and often misunderstood words. Filled with diverse meanings, they can seem vague, ready to be twisted to oppose or support this plan or that perspective. They frequently crop up in conversations about the future of Native nations, but it is not always clear what those who use these words have in mind. This book uses such terms repeatedly. But what is development? Is it something Indigenous peoples should welcome or something they should resist? Is governance something new, or is it something Native nations have been engaged in all along? Where does culture fit in? And what is culture, anyway? What do we mean by “cultural match”?

“Development,” “governance,” “culture” will continue to be debated and dissected long into the future as nations around the world work on the challenges of building and sustaining communities where their peoples can live the lives they seek. Here we discuss these terms as they have informed the work on nation building carried out by the Harvard Project on American Indian Economic Development and the University of Arizona’s Native Nations Institute for Leadership, Management, and Policy. That work, in turn, shapes much of what appears in this book.

Development

Contemporary Indigenous nations face at least three major economic tasks. One is to create conditions in which citizens can meet their economic needs and support their families. Another is to find ways to support the shared social and cultural relationships, values, and activities that their citizens wish to maintain, from ceremony to language, from kinship ties to land title, from environmental protection to physical health. Yet another is to develop ways to support genuine self-governance and escape the unwanted dependency on external decision-makers and sources of funding that have characterized the last century for many Native nations and that have limited their freedom to self-determine their own paths.

These tasks are not new. Native nations have always had to find ways to support themselves and sustain their communities. But events of the last century and a half have made these tasks exceedingly difficult, narrowing the list of choices for many tribal citizens. Massive takings of Indigenous lands and resources, external interventions in nearly every aspect of community life, and coercive external controls on decision-making have made it difficult for Native nations to create sustainable economies. In case after case, citizens have been forced to choose between poverty at home or the supposed opportunities of the dominant society. Valuing community as much as prosperity, many chose to stay within their home territories or reservations and within the embrace of kinship and culture. Others, facing dim prospects for themselves and their families and with the heavy-handed encouragement of imposed, assimilationist federal policies, took their chances in the cities and employment markets of the larger world. By the turn into the

present millennium, the majority of Native Americans in the United States were living off-reservation, but were often finding it nearly as difficult to prosper there as at home.¹

Since the 1970s--at least in the United States--this stark choice has begun to change. As American Indian nations have seized an increased measure of political control over their own affairs, many of their leaders have focused significant attention on economic development, searching for ways to improve the economic welfare of their citizens within their lands. For a growing number of Native nations, these efforts are paying off, increasing the choices available to reservation-based populations--and in some cases to off-reservation citizens as well. From 1990 to 2000, average incomes across both gaming and non-gaming reservations remained well below average U.S. levels, but they were growing at about three times the income growth rate in the U.S. economy as a whole (Taylor and Kalt 2005a). It is no coincidence that this economic development came about at the same time as powers of real tribal self-determination began to be exercised throughout Indian Country (Harvard Project on American Indian Economic Development 2007).

Professors and graduate students can get into interminable and angst-ridden debates about whether or not economic development is “good for” or “alien to” Native communities and lifeways. At the same time, few tribal leaders have much tolerance for these debates, charged as they are with supporting community well-being and implementing their citizens’ collective goals and decisions. Unless basic needs can be met, unless kids can be nurtured and protected, unless communities can be sustained where people not only want to live but can live, Native nations face the reality of a highly mobile citizenry that does not want to move to Phoenix or Seattle or Minneapolis but is forced--by

poverty and its social consequences, and by the lack of resources to support social services and healthy communities--to do so.

At the same time, it is rare to encounter a Native nation in which “it’s all about the money.” For the Native nations we are familiar with, the goal of economic wealth is not untold riches. Their leaders and citizens say, “Our goal is self-determination: the freedom to choose for ourselves where to live and what community to be part of; the freedom to run our own schools with our own curricula; the freedom to use our own people and our own institutions to sustain the environment and adjudicate disputes; the freedom to provide health care according to our own standards and priorities; the freedom to build communities where our people can and want to live.”

Economic development, then, is the process by which a community or nation improves its economic ability to sustain its citizens, achieve its socio-cultural goals, and support its sovereignty and governing processes. This definition is a spacious one; it has room for many kinds of activities and for a variety of outcomes. It makes no assumptions either about the kinds of economies or communities that Indigenous peoples develop or about the strategies they use to get there.

Choices about both of these--outcomes and strategies--vary across Indigenous communities and between Indigenous communities and other nations. One Native nation may imagine a community and economy heavily integrated into the market-oriented activities of the neighboring society. Another may imagine a community made up largely of subsistence hunters and trappers. Yet another may envision a hybrid economy that mixes customary and market-based activities with continuing transfers from other

governments that are fulfilling their treaty obligations. Self-determination, by definition, allows for a variety of economic strategies and a variety of economic outcomes. One nation may choose a strategy that relies on nation-owned or joint-venture enterprises, using the nation's natural resources or other assets in the global market. Another may encourage citizens to start small businesses that can meet their own and each other's needs. Yet another may mix traditional barter with marketplace strategies to meet changing circumstances and priorities.

The term "economic development" embraces all of these outcomes and strategies. When the Indigenous nations of the Yukon Flats in the interior of Alaska try to expand subsistence hunting and trapping--perhaps by expanding the land base over which their citizens have rights to hunt, or by working to transfer control of wildlife management from federal and state governments to Indigenous authorities, or by teaching trapping skills to young people who are in danger of losing them--they are embarked on an economic development strategy: a course of action designed to improve their ability to adequately support their peoples and sustain their communities. But so, too, are the tribes of the Tulalip reservation when they try, on their own initiative, to get the Home Depot company to open a "big box" store in their Quil Ceda Village shopping mall. While radically different (and notwithstanding stereotypes afoot in the dominant society), both approaches reflect Indigenous values and decisions--that is, the values and strategies of Alaska Natives in the Yukon Flats and of the Tulalip Tribes in Marysville, Washington.

Some Native development efforts follow corporate models, with classic command structures and close monitoring of profit margins and returns on investment. Others are

less formally run family or individual ventures. Some are intended to generate profits that can be used to fund tribal programs or expand economic activity; others are trying to generate sustainable jobs; still others are designed simply to keep food in the kitchen, gas in the car, and the children clothed. For some, day-to-day operations clearly reflect community rhythms, adjusting to the demands of ceremonial cycles, seasonal hunting or fishing needs, and citizens' kinship obligations; in others, the circumstances of the community are less visible--but they are no less present. The small café at an intersection in a reservation town, owned by a tribal citizen and employing a couple of family members, is as much a part of economic development as the nation-owned saw mill is.

In other words, contemporary conditions in Indian Country mean that a variety of activities will be found under the economic development umbrella, where the subsistence hunters of the Yukon Flats and the shopping mall managers of Tulalip are joined by Lummi fishermen, the bison enterprise of the Cheyenne River Sioux Tribe, the citizen entrepreneurs of the Pine Ridge Sioux and Mille Lacs Ojibwe reservations, the White Mountain Apache Tribe's holistic forest management, sheep herding at the Navajo Nation, the integrated farming operations of the Oneida Tribe of Wisconsin, factory workers at Mississippi Choctaw, Zuni artisans, casino gambling on numerous reservations, and a multitude of other ventures and entrepreneurs. We believe that it is de-humanizing stereotyping to label any of these activities as more or less "Indigenous" than any other. When the strategy of the Tulalips or the Cheyenne River Sioux or the Zuni or the Choctaw are the chosen products of Indigenous self-determination and self-rule, they reflect what it means to be Tulalip, Cheyenne River Sioux, Zuni, or Choctaw today.

Regardless of the specific form it takes, a common characteristic of economic development in Indian Country is an explicit concern with the effects it has on the tribal community: on the land, on social relationships, on culture, and on the nation's political autonomy. Champagne (2004, p. 323) argues that this is "tribal capitalism"--an approach to development that seeks a balance between "community and cultural protection and the enhancement of tribal sovereignty" on one hand and material gains on the other. Different nations address this concern in widely divergent ways, but it has become a common part of the Indigenous development conversation.

In recent decades, as American Indian nations have moved into position to make thoughtful, strategic choices about the societal outcomes they will pursue and the development paths they want to take, their choices have varied. The Mescalero, White Mountain, and San Carlos Apache Tribes decide to manage their lands in part to maximize the yield of trophy-quality elk, selling permits to non-Native hunters and training Apache guides to lead those hunters through their extensive forests and canyons. But the Yakama Nation, which also has impressive wildlife populations, decides against commercialization of its high-dollar wildlife and bars outsiders from major portions of its lands, reserving them for hunting, gathering, and related activities by its own citizens. Here are different nations with similar resources making very different choices about how to meet economic, cultural, and other needs. The Grande Ronde Tribe builds a casino as the central engine of its economic development while the Hopi Tribe elects not to. The Crow Tribe of Montana digs up coal while the Northern Cheyennes, next door, leave it in the ground.

We take no position on which of these strategies or economic conceptions is the “right” one. Indian nations have to determine for themselves what best fits their needs and objectives. Our interest, instead, is in the choices they make as they assume control over development and over the futures they imagine for themselves. We are interested in how they insert their own priorities and concerns--from cultural issues to political ones--into development decisions, and in their ability to implement those choices. What works in the development arena, given tribes’ own values and visions?

At the same time, we also make no assumption that there is a necessary contradiction between markets and Indigenous tradition, or between capitalism (or some other -ism) and tribal community. Engaging in what Marshall Sahlins (2000, p. 519) calls “the assimilation of the foreign in the logics of the familiar,” Indigenous peoples have long been expert at integrating new forms of organization, activity, and technology into their own cultural schemes, to the point of using market-based and profit-oriented economic activity and cutting-edge technologies to support their most fundamental cultural and political goals.² For example, Alaska Native artists use the internet to market their carvings and other art across the world. And the Mille Lacs Band of Ojibwe puts casino profits into an elders-taught computer-based language-revitalization program for children--a program that not only has increased the number of teenagers speaking Ojibwe but has the added benefit of teaching elders computer skills.

In cases such as Ho-Chunk, Inc., the much-touted development corporation of the Winnebago Tribe of Nebraska, Native nations are teaching the world new models of economic development, putting real meaning to Champagne’s notion of “tribal capitalism.”

The component businesses of Ho-Chunk, Inc. (hotel, dot-com, house manufacturing, fuel and tobacco distribution, used car, venture capital, and telecommunications businesses, among others) compete with remarkable success in the mainstream U.S. economy. Seen from the outside, Ho-Chunk, Inc. is a model of capitalist efficiency, customer responsiveness, and business smarts; in little more than a decade annual revenues have risen from virtually nothing to approximately \$150 million. But is Ho-Chunk, Inc. a capitalist enterprise? It is owned by the Winnebago Tribe, was established by its tribal government, and, in a turn that the General Motors, Microsofts, and IBMs of the world do not take, has spun off non-profit branches to directly deliver services such as senior citizen support, housing, road building, and youth activities, and is building a new town square from scratch. In mainstream America, such services are regarded as the province not of corporations but of governments. They are similarly regarded in much of Indian Country, where they are commonly provided by tribal, federal, or state governments. But not in the Winnebago Tribe, where Ho-Chunk, Inc., a highly profitable corporation, is demonstrating a new model of how corporations can operate.

Of course even where Native nations have taken over decision-making power in development, their choices are hardly unlimited. For all nations, circumstances have a power of their own. Not all development options are available everywhere. Thus, for example, Indian nations vary in their natural resource endowments and their proximity to markets. Some have better educated or skilled workers than others. Some have long experience in certain activities, such as fishing or trade; others may have entrepreneurial traditions that serve their current needs. The distribution of resources, locations, skills, and

experience is at the same time a distribution of opportunities, advantaging some nations and disadvantaging others.

Some of these factors are largely beyond tribal control. Native nations have limited ability to change their distance from markets, to significantly shape what outsiders want to buy, or to enlarge their natural resource base. But there are other factors that they can influence, improving their development prospects. They can enhance the skills available within their own populations by investing in education and training programs or by creating conditions in their communities that persuade citizens who moved away years ago to come home. They can campaign for jurisdictional and regulatory changes that increase their control over their own affairs. They can fight to protect and expand tribal self-determination.

One of the most important things Native nations are doing in the development arena is making certain their governance environment can support development--whatever the form or ultimate goal of that development may be. Research from Indian Country and from around the world indicates that one of the key factors in development capacity is governance: the rules that human communities put in place that determine how they organize themselves and how they interact with each other and with outsiders (among many examples, see Bräutigam and Knack 2004; Cornell and Kalt 1995, 1997a; Evans 1997; M. Jorgensen 2000; Knack and Keefer 1995; La Porta et al. 1999; North 1990; Ostrom 1992). While the Native nations of North America do not have complete control over their own governance systems--non-Native authorities in both the United States and Canada have been repeatedly prone to interference in Indigenous decisions about how to

govern themselves--they can alter those systems in ways that make development more or less likely and productive. They can change the rules, and this can have transformative effects.

This brings us to the second of the three words that this chapter is about.

Governance³

The Honorable Thomas Tso, the first chief justice of the Navajo Nation Supreme Court, writes:

When people live in groups or communities they develop rules or guidelines by which the affairs of the group may proceed in an orderly fashion and the peace and harmony of the group may be maintained. This is true for the Navajos. As far back as our history can be verified and further back into the oral traditions of our origins, there is a record of some degree of formal organization and leadership among the Navajos. In the earliest world, the Black World, which was the first phase of our existence, it is said the beings knew the value of making plans and operating with the consent of all. In a later world, Changing Woman appointed four chiefs and assigned one to each of the four directions. These chiefs convened a council, established clans, and organized the world. The chiefs and councils of Navajo oral history made decisions for the larger groups and regulated the clans. The oral traditions indicate that there was a separation of functions between war leaders and peace leaders. One of the major responsibilities of the Navajo headmen was offering advice and guidance (2005, p. 30).

Justice Tso is describing a system of governance, a set of rules--institutions--that organize and guide action. All human societies, if they are to last for very long, depend on such systems: shared, specific, and more or less stable rules addressing such matters as where authority lies in different areas of community life, what sorts of relationships need to be maintained, how decisions should be made and conflicts dealt with, what protocols need to be followed in which situations, and so forth. These rules may or may not be written

down. They often exist in common law--accepted community norms and behaviors--and are set out in the teachings of elders, parents, and medicine people, or are simply embedded in the accumulated experience and wisdom that serve, largely unspoken, as guides to daily life. They are revealed in behavior or in the reaction of the community when someone misbehaves. We do something wrong, and we know it was wrong: our shared understanding about what is appropriate or required tells us so. In short, they are an aspect of culture.

Whatever form they take, these shared conventions or rules are what make it possible for human beings to live and work together. Without them, our interactions with each other would be far more uncertain, difficult, and conflict-ridden.

This is governance: the agreed-upon rules by which the society operates. These rules are often called governing institutions, or the institutions of governance: the rules that societies put in place to organize themselves and get done what they need to get done, and the mechanisms they use to implement and enforce those rules. It is different from government, which refers to the positions or offices that many societies create--councilors, legislators, executives or some sort, and the like--that are charged with making, implementing, and enforcing the rules and accomplishing the nation's goals.

Written or not, the rules of governance are typically specific and concrete, embracing a range of issues from relationships to the land to protection of sacred knowledge to day-to-day decision-making. A particular body of knowledge, for example, may belong only to certain persons and cannot be shared more widely. Some kinds of activities may be reserved to particular kinds of people. Disputes are to be settled this way

and not in some other way. When certain people speak, their wishes must be respected. There are appropriate ways--and inappropriate ways--to treat the land and the animals. There are kinship obligations that must be respected. And so forth.

For both individuals and the community, rules such as these provide a foundation for successful living. The Honorable Robert Yazzie, also a former chief justice of the Navajo Nation Supreme Court, writing about Navajo customary law and using Navajo terms, says that “Navajos believe that the Holy People ‘put [the law] there for use from the time of beginning’ for better thinking, planning, and guidance. It is the source of a healthy, meaningful life, and thus ‘life comes from it’” (1994, p. 175). Judge Joseph Thomas Flies-Away, a citizen of the Hualapai Tribe, underlines these connections: “My grandma, her people, and our constitution share a personal commonality. They are related to each other in that they contribute to and affect my identity, who I am, where I belong, even who I am born for. Or, in the plural, who are we? Why are we here? Where do we come from? Where are we going?” (2006, p. 145).

Whether arrived at deliberately or given by a culture’s cosmology, such systems of law have always been used by Indigenous North Americans to address common governance challenges. How do you keep those in power from using their power for their own ends and forgetting the nation in the process? How do you protect the community from occasional mistakes in choosing its leaders? What will maintain order in the face of disruption? When crises occur, how should they be addressed? Is there an established way of resolving disputes, one that everyone understands and respects? Who should make which decisions? When someone breaks the rules, how should the community respond?

These are the kinds of problems that human communities typically encounter as they attempt to get things done. Such things as separations of powers, checks and balances, the powers of recall and referendum, and other governance techniques sound quintessentially Western as a result of being pounded into the heads of children in schools dominated by Western curricula. But sustainable human societies around the globe have long used such techniques to provide stability in the social rules by which the community operates and to ensure that those who govern channel their efforts into promoting community ends, rather than narrowly self-interested ones. They were widely used, in diverse forms, in Indigenous North America as well.

Lakota government, for example, prior to colonization, made use of such checks and balances and separations of powers. Executive functions, from negotiations with foreign powers to managing the hunt, were vested in multiple executives selected and directed parliamentary-style by a council, itself selected by family-centered tiyospayes. With law-making in the hands of the tiyospaye-derived council, judicial functions of maintaining law and order were located in the akicita or warrior societies. This separation of powers served as a check on individuals and groups who might try to gather too much control in their own hands, something that was evidently of concern to Lakota people (Cornell and Kalt 1995).

Some similar effects are achieved very differently today at Cochiti Pueblo, using a system with deep roots in Cochiti history and culture. There the cacique, the senior spiritual leader of the Pueblo, each year appoints a new set of officers to oversee Pueblo affairs. They include the war captain, who is responsible for ceremonial matters, the

governor, who is responsible for secular affairs including relations with other governments, and others. But this is the cacique's only secular role in Pueblo life, and these leadership selections alternate each year between the Turquoise and Pumpkin kivas. These aspects of Cochiti governance constitute a form of separation of powers and checks and balances designed, by the Pueblo's own account, to prevent any one "side" of the pueblo from accumulating too much power.⁴

When the Wet'suet'en people of what is now British Columbia established just how--in specific terms--they should interact and relate to each other, to the land, to the animals, and to the spirit world, and how they should deal with each other, they were putting in place a system of rules, of law, capable of addressing the problems they faced as a people. They were creating a governance system. Among other things, that system vested certain property rights in houses and clans, regulated marriage and inheritance, provided mechanisms for resolving conflicts within the nation, and distributed certain authorities among certain kinds of chiefs. Parts of that system still survive, combined with more recent ways and additions, and are still used to address Wet'suet'en challenges today (Mills 1997).

As such cases show, some older, Indigenously generated solutions to governance problems are still in place today and form the basis of relationships, decision-making, and action. Others are long gone, crushed by the steamroller of colonialism and beyond the reach of living memory. In still other cases, Indigenous governance structures may still be there, but the circumstances that produced them have long since changed. Where older governance approaches are either gone or inadequate to present challenges, many Indian

nations are inventing new governance solutions, building systems out of the old, the borrowed, and the new, just as they did in the past when faced with changing circumstances that demanded changes in the ways they did things.

This burst of governance activity on the part of Native nations represents a political evolution. Much of Indigenous politics in North America, from the 1960s on, has been a rights-based politics. This has distinguished it from other minority politics, particularly in the United States, where most minority populations have pursued a distributive political agenda focused on ending socioeconomic disadvantage and gaining equal access to jobs, housing, health care, and the like. Such issues have mattered a great deal to Native nations as well, and Indian activists learned a good deal from the Civil Rights Movement of the 1960s and 1970s. But Native American concerns have focused much more on self-determination--the rights to govern themselves, to secure their lands, to manage their own resources in their own ways, and to sustain their communities in the ways that make sense to them (Cornell 1988, Nagel 1996).

Since the mid-1970s, however, the assertion of rights to self-determination has been accompanied, increasingly, by another set of questions: What happens next? Once a Native nation has decision-making power, how should it use it? How should it organize that power and make it effective in pursuing its goals? Such questions have focused growing Indigenous attention on governance. The result has been a conscious effort by Indigenous nations to rethink how they govern themselves, questioning the approaches imposed through outside interventions such as the Indian Reorganization Act of 1934 in the United States and the various iterations of the Indian Act in Canada. Under prior

conditions of freedom, Native nations developed governance systems that served their purposes in the circumstances they faced at the time. Now they face that challenge again. What systems should they use today in pursuit of their own objectives?

Answering that question subjects Native governance to two tests. The first is effectiveness: Native institutions and procedures, formal and informal, written and unwritten, must be up to the tasks that Native nations are undertaking today. These range from signing multi-million dollar business deals to measuring and enforcing water quality standards, from authorizing tribal police to enforce tribal law to sentencing law-breakers to time in tribal jails, from ensuring the elderly have access to pharmaceuticals to hosting intertribal pow wows, from funding a language revitalization program to litigating in defense of sovereign powers. If these and myriad other tasks cannot be done efficiently and effectively, national well-being suffers and sovereignty is indeed at risk.

The second test to which Native governance is everywhere and always subjected is the test of legitimacy: If the institutions and policies of self-rule are not legitimate in the eyes of the citizens, they are doomed to being overturned, ignored, or abused. Of course, what is legitimate and respected, or illegitimate and disrespected, in any society depends on that society's culture--which brings us to the last of the concepts this chapter is about.

Culture

Few words have used up more definitional ink than "culture." Even those who specialize in the study of culture--the anthropologists--often disagree about what it is and what it includes, and some have suggested that perhaps the word should be abandoned altogether (for example, Kuper 1999). Yet we all sense what culture is, as when we say

“for a long time, my culture didn’t respect the rights of women,” or “English culture places a high value on self-control and decorum,” or “my culture respects education.” And culture crops up constantly in both popular and specialist discussions of Indigenous people. A comment by Vine Deloria, Jr., and Clifford Lytle more than twenty years ago remains true today. “Culture,” they wrote, “is a most difficult subject to discuss. It is also the single factor that distinguishes Indians from non-Indians in the minds of both groups” (1984, p. 250).

There is no need here to belabor the intellectual or academic discussions of culture, but the term often appears in this book, and we need to make some of our own views clear. As a broad generalization, we can think of culture as embracing at least three intimately related dimensions of human life. One is cognitive: how people think, what they value, and the understandings they have of themselves and the world around them. Another is behavioral: how people act, the relationships they enter into and sustain, and the activities they engage in. A third dimension is material: the objects--from houses to art--that people make and use as they solve practical life problems and celebrate or symbolize themselves and the world they live in. That these are related should be clear: for example, what people value and how they understand the world around them affects what they do and informs their material products.

The cultures of Native America at the time of European contact were enormously diverse along all of these dimensions. Indigenous peoples’ ideas about themselves and the world around them were hardly all the same. They acted in diverse ways and engaged in diverse sets of relationships. They produced a vast array of objects as they addressed the

practical circumstances in which they lived and expressed ideas of themselves and their world. One could not have spoken, with any accuracy, of some monolithic “Indian culture” at the time of European contact, and if one might argue that some kind of pan-Indian culture, or at least consciousness, has emerged in North America today, it co-exists with multiple tribal ones. The ways of the Hopi in Arizona may be very different--along all three dimensions--from those of the Gwich’in in the interior of Alaska and northwestern Canada. The assumptions underlying Iroquois governing practices are not necessarily the same as those underlying Apache ones. Music and singing from the southern plains are different from those of the Pacific Northwest.

For all human societies, change commonly occurs along all three dimensions of culture (cognitive, behavioral, material) and in the relationships between them. The idea that Indigenous cultures were somehow static before the arrival of Europeans or that Indigenous peoples were passive participants in a long process of cultural change toward Western ideas, behaviors, and objects is demonstrably wrong. Cultures change as circumstances change, as peoples interact, one with another, and as people learn from experience and imagine new things.

Indeed, innovation and adaptation are among the great traditions of Native North America.⁵ Long before Europeans arrived, trading networks moved not only goods and materials but ideas and technological innovations from place to place as peoples learned from each other, taking up ideas or techniques that served their interests and ignoring ones that did not. Interactions with non-Natives likewise introduced new behaviors, concepts, and material phenomena. Cultures changed. Some changes eventually were rejected;

others not only were accepted, but became the basis of societal transformations, from the horse to the musket to the cell phone. Indigenous peoples, like most other peoples, have long been opportunistic developers of their own cultures--analyzing their choices, developing new ways of doing things, and engaging and adapting other peoples' technologies, materials, practices, and ideas to increase freedom or efficiency, solve problems, and satisfy aesthetic or spiritual values within their own understandings of the world.⁶

Cultural Match

What, then, do we mean by cultural match, identified in Chapter 1 of this volume as one of the key features of the nation building approach to development?

Chapter 1 argues that governing institutions have to match underlying political cultures if they are to have legitimacy with the people being governed. By "political culture" we mean a community's shared concepts regarding:

- Who properly holds and exercises governing authority when it needs to be exercised? For example, when a dispute must be resolved, or a choice must be made between competing alternatives. Is it the elders who decide or carry the most weight? The maternal family heads? Everyone? The people with experience in that area? The people with relevant education?
- How is governing authority properly acquired? By demonstrated wisdom? Accumulated wealth? Descendancy or inheritance? A record of service to the people?

- What range of community affairs does the governing authority properly cover? For example, is it legitimate for the nation's government to own business enterprises? Should elected officials or clan elders select the nation's judges? Should the tribal chair be the one who hires and fires employees?
- Where in the community's structure does governing authority properly reside? Are the legitimate powers of government properly situated at the village or district level? At the level of a central national government? In clans or families? Should the districts have to follow what the central government says? (For further discussion, see Cornell and Kalt 1995.)

People's answers to such questions reflect the cultures in which they live and what they have learned from those cultures. And it is inevitable that in a world of diverse political cultures--diverse both between Native societies and the mainstream and across Native societies--the answers also will be diverse. One culture sees legitimate authority as resting with village leaders; another sees it as resting with clan elders; one sees it as belonging to leading families; and another as belonging to religious societies. One culture sees it as the responsibility of the Native nation's elected chief executive to hire and fire all tribal employees; another sees this as the responsibility of specialized managers. One expects disputes to be resolved in routinized and formalized courts staffed by law-trained judges administering the precepts of tribal code; another sees it as the province of non-governmental religious institutions; while still another looks to respected heads of families to make the peace.

To be stable and effective in a self-governing society, governmental systems have to fit with the way a particular culture answers these who, how, what, and where questions. This is what we mean by cultural match. It is this culturally grounded legitimacy, based on shared norms, that makes wielding governmental authority a sacred trust, a sacred responsibility to serve the people and their interest in an appropriate way.

What happens if there is no match between a community's notions of what is politically legitimate and its governing systems? If governance is exercised in ways that the people--given the answers to these questions of political culture that they acquire as they go through life--see as illegitimate, they will neither support nor respect that government and its decisions. They will not see abuse and misuse of the system as abuse and misuse of something they respect and value. They will not try to protect the system, nor will they protest much when it performs poorly. If they lose disputes resolved by their lawmakers or their judicial authorities, they will be more likely to see themselves as unfairly treated. When they think governmental authority is illegitimate and is being used only for the benefit of those in power, they are more likely--if they can get hold of that power themselves--to try to use the government for their own or their faction's private purposes. The consequences are likely to be instability in policies and programs, abuse of governing power, and recurrent internal conflict.

Cultural mismatch is at the heart of much of the dysfunction that many tribal governments experienced over the twentieth century. Consider the Crow Tribe of Montana. From 1948 to 2001, the Crow Tribe operated under a constitution drafted with significant non-Native legal advice. The constitution made every adult citizen of the

Native nation a member of the tribal legislature and required only one hundred legislators to constitute a law-making quorum. This Athenian democracy not only produced an enormous, unwieldy legislature, but it paid no respect to a nation traditionally governed by strong clans--which remain important parts of Crow community life today--and hierarchies of chiefs whose status was acquired by demonstrations of endurance and courage. This mismatch--stripping clans and chiefs of governing authority--produced political chaos, instability, corruption, and some of the most dire living conditions in Indian Country (zzz citations?)

Today, the Crow Tribe is the Apsaalooké Nation. Recent constitutional reform, contentious but emanating from the nation itself, is beginning to turn things around. The problem had not been some deep failing of the Apsaalooké people, who revere education, are imbued with entrepreneurial talent, are committed to sustaining their communities, language, and culture, and are marked by thoughtful and charismatic leaders. The problem lay in being burdened for a half century with a governing system at odds with indigenous Apsaalooké notions of how to govern.

As they start to build and rebuild societies that are successful by their own, self-determined standards, many Native nations are finding that they are hampered by governing structures that are not of their own making. In the U.S., more than 180 tribes adopted Western-style, federally shaped constitutions under the Indian Reorganization Act of 1934 (IRA), and many more ended up with similarly modeled systems. In Canada, constitutional self-rule is only beginning to appear on many First Nations' agendas. For

decades, Canadian policies have treated First Nation governments as little more than branch offices of the federal government.

IRA-style governments in the U.S. reflect an outside authority's one-size-fits-all mentality. Most are characterized by the weakest of separations of powers, with a tribal chief executive who administers programs and chairs a tribal council or legislature, and with little or no provision for judicial functions. While this executive-centered form of governance may have fit peoples such as the Choctaws or the Western Apaches, with their own traditions of chieftain hierarchies, many other peoples relied traditionally on more decentralized systems that dispersed instead of concentrated power. The consequences of these and other mismatches have been governmental dysfunction and, as night follows day, economic and social distress.

The Hualapai Tribe offers an example. Located on the south rim of the Grand Canyon, this nation has experienced desperate economic conditions since its adoption of the IRA in the 1930s. In 1990, unemployment (ignoring potential workers who have given up looking for work) at Hualapai was at 33 percent. Per capita income was only about one-fourth of average income per capita in the United States, and 54 percent of families lived in poverty (Taylor and Kalt 2005b, tab 2). Judge Flies-Away explains the cultural mismatch in the IRA structure at Hualapai:

Though the IRA's concept of self-determination was appropriate and necessary, the government structure prescribed for the Tribe was not. The IRA constitution provided for a centralized style of government headed by a tribal council, which replaced our band and extended family system. Although Indian agents [of the Bureau of Indian Affairs] believed these reforms to be civilized and democratic, the imposed government design was not accordant to Hualapai culture and took the Hualapai away from its customary and traditional means of governance (2006, p. 149).

The stories of mismatch between externally designed governing institutions and Indigenous political cultures go on and on across Native America. We earlier described the Indigenously designed governing structures that the Lakota peoples used under conditions of freedom. Today, however, the IRA constitution of the Oglala Sioux Tribe creates a single tribal president who chairs a tribal council, leaves judicial decisions under the control of the council, and involves the president and council in enterprise and program management--at every point a departure from Lakota practices. Meanwhile, the Pine Ridge Sioux Reservation, home of the Oglala Sioux Tribe, has routinely been ranked as one of the poorest places in America, with recurrent internal conflicts--the Wounded Knee II episode in 1973 is the most famous--and repeated turnover of tribal presidents through impeachment and failure to re-elect (Cornell and Kalt 1995). On the Hopi Reservation, the U.S. authorities have long recognized and channeled resources through the IRA-based central tribal government. But the various Hopi villages find legitimacy in local systems and hierarchies; the village Kikmongwi remain respected leaders who govern the villages and have the capacity to effectively overrule and block actions of the constitutional central government. Tensions between the externally generated IRA system and Indigenous structures of authority enormously complicate governance and undermine Hopi economic and social initiatives.⁷

Cases like these might appear to suggest that cultural match involves a return to pre-colonial, or at least pre-reservation, traditions of Native governance. But legitimacy does not reside forever in some “traditional” version of how Native peoples governed.

Cultures are dynamic. Older Native governing systems were themselves products of the ideas the people of the nation had at the time and the concrete circumstances they faced. The systems' legitimacy came from the fact that they were Indigenously generated solutions to governance challenges. Legitimacy today will be found in the same place: in current Indigenous responses to current Indigenous conditions. If Native governance is to work for today's Native nations, then Native governing systems need to accord with contemporary Native political cultures. When we talk about cultural match or mismatch, we are talking about the degree to which current governing institutions in Native nations--the organization of authority, decision-making, dispute resolution, and the like--do or do not match that people's own current ideas of what those institutions or rules should be, of how things should be done.

At the Apsaalooké Nation (Crow), for example, turn-around has not meant going back to a council of clans and a council of warriors. But it has meant creating a strong legislative-executive separation of powers and creating a legislature with three representatives from each of six districts, thereby tapping into the fact that today's clans have strong district roots and today's citizens have strong district loyalties.

Among the Confederated Salish and Kootenai Tribes of the Flathead Reservation, on the other hand, there is no single, shared, historical culture to tap into. The U.S. government forced three different peoples--Salish, Kootenai, and Pend d'Oreille--to settle together under terms of an 1855 treaty. Over time, they forged newly shared values appropriate for a melting pot, including a commitment to share power and to respect each other's views. Today, they govern themselves through a Western-looking parliamentary

system in which legislators elected by districts and often representing different peoples together select a council chair. They accompany this with an independent judicial system. The resulting government is neither Salish, nor Kootenai, nor Pend d'Oreille, but it was Indigenously chosen; therefore, it has cultural match, and it has undergirded sustained economic development and first-class social programs, and has enabled the Confederated Salish and Kootenai Tribes to become the first Native nation in the U.S. to take over management of every program previously administered by the federal government (Harvard Project on American Indian Economic Development 2003).

How does a nation that has undergone extensive cultural change and has lived for several generations under foreign governing systems find new systems that are culturally matched to its contemporary notions of what's legitimate in governance? It's not as if there is a checklist of cultural norms to consult. Indeed, most contemporary Native nations are culturally complex, with a mixture of backgrounds and experiences.

The keys to building governing structures that are matched as much as possible to today's Indigenous cultures and that also pass the test of practical effectiveness do not lie in academic learning or in some cookbook approach to cultural match. Rather, the keys lie in sovereignty: Indigenous control over the design of governing systems. Designing such systems may take time, and it will doubtless benefit from the experiences of other peoples. But once the right to self-governance is achieved, each nation's own people are the ones who are most likely to create systems--traditional or not--that work, not least because they are their own.

Choice and Diversity

Ultimately, Indigenous peoples will have to decide for themselves what their development goals and strategies will be, how they will govern, and what roles their cultures will play in the process of rebuilding their nations. After all, this is what self-determination means: the freedom to make meaningful choices and learn from the choices you make.

The inevitable result in a world of diverse Native communities and cultures will be a diversity of structures, strategies, and outcomes. This is often difficult for outside, non-Native governments to accept. It is difficult for two reasons. First, those governments typically would prefer boilerplate solutions to the problems of Indigenous peoples, if only because it is easier to deal with one model than with a multitude. Second, those governments--their officials and advisors--also often have particular “right” models in mind. They may believe, for example, that all governments must choose their leaders through democratic elections, or that all economies must be based on individual property rights, or that development outcomes should be measured only by per capita incomes, or something else.

The good news--for Native nations and non-Native governments alike--is that a diverse and even complicated array of governance choices is not really a problem. Instead, it is a solution, a key to creating healthy and sustainable communities and nations. The evidence from the last thirty years of Native nation building demonstrates not only that no

single pathway will work for every nation, but that there are multiple pathways to justice and prosperity.

Notes to Chapter 2

¹ In 1988, Snipp and Sandefur reported that, while the urban American Indian population overall was doing better than the reservation one, the difference was not substantial. Both 1990 and 2000 Census data show continuing differences in socioeconomic conditions between urban and rural Indian populations, but the more striking finding is that, in the aggregate, even long-standing urban Indian migrants continue to suffer high rates of socioeconomic distress relative to the American mainstream (Kingsley et al. 1996; Harvard Project on American Indian Economic Development 2007).

² See the extensive discussion in Sahlins (2000), and, for other examples from North American Indigenous peoples, Bradley (1987), J. Jorgensen (1990), Rushforth and Chisholm (1991).

³ This section draws substantially on Cornell, Curtis, and Jorgensen (2004).

⁴ Presentation by Regis Pecos, Cochiti Pueblo, June 6, 2006; see also Lange (1990) and Cornell and Kalt (1997b).

⁵ See, among numerous examples, Bradley (1987) on early Onondaga adoptions of European technologies; Spicer (1962, pp. 546-49) on Apache and Navajo responses to the introduction of livestock in the 17th and 18th centuries; Hosmer (1999) on late-19th and early 20th century Menominee and Metlakatla responses to market opportunities; J. Jorgensen (1990) on contemporary Indigenous economy in parts of Alaska; and Champagne (2004) on contemporary “tribal capitalism.”

⁶ Again, see Sahlins (2000). Of course some Indigenous societies were more flexible and responsive than others (see, for example, Champagne 1992), and some changes were not at all products of free choice but took place under enormous and often debilitating stress and coercion.

⁷ On Hopi indigenous political structure, see the Hopi Tribe’s description at www.hopi.nsn.us/history.asp; see also, www.nativeamericans.com/Hopi.htm.