

Tribal-State Relations in the Anglosphere

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Abstract

By analyzing the politics of Indigenous peoples in the United States, Canada, Australia, and New Zealand, political scientists gain new perspectives on power and powerlessness. Such study offers a new vantage point on pathways of exclusion and regulation, as well as on the pathways of challenging inequity. It illustrates how beliefs and identity configure and reconfigure power. I highlight research from four domains of research on Indigenous politics: studies of political advocacy, political attitudes, rules of the game, and the public good. Political science research on Indigenous peoples fits comfortably within the discipline. It is flush with ideas that draw on and speak to other theories of politics.

Were political science to broaden its perspective and recognize the insights available from the racial minority groups and indigenous nations regarding the manner in which law and political institutions channel energies of distinct groups and create, in their application of discriminatory policies, responses and reactions manifest in other areas of life, it could embark on a broadening of its offerings and clientele.

Deloria & Wilkins (1999)

INTRODUCTION

Why should the study of the politics of Indigenous peoples within developed English-speaking nations matter? In this review, I make the case that by analyzing the end results of British settler-colonialism in the United States, Canada, Australia, and New Zealand, we gain new perspectives on the interplay of power and institutions. Such study offers a new vantage point on pathways of exclusion and regulation, and also on pathways of challenging inequity. It illustrates how beliefs and identity configure and reconfigure power. Within the borders of the United States, Canada, Australia, and New Zealand, we have the opportunity to learn from the politics of well over a thousand Native Nations.

There is rich scholarship on Indigenous politics in these four countries. Most of that work is not cross-national, and scholars of one country may not be very well versed in the literatures on the other three. Patterns of citation suggest that this isolation is most pronounced for scholars of Indigenous politics in the United States. One anxiety is whether the great differences between the countries impede meaningful analysis of the four as a group. Yet, in fact, there are striking similarities in Indigenous politics across the United States, Australia, Canada, and New Zealand. Those similarities are reflected in scholarships that have converged on common questions. Because the literatures on the four countries have central tendencies, it is possible to leverage variation rather than being overwhelmed by it. In my review of this research, I inventory some findings to date and also some testable implications that arise from comparing and contrasting research in these areas.

I examine four domains of research on Indigenous politics in Canada, the United States, Australia, and New Zealand. These four fields of research offer lenses on advocacy, attitudes, rules, and the public good. First, I explore existing knowledge about Indigenous peoples' legislative and interest group politics. Second, I address public opinion research: studies of the political attitudes of Indigenous peoples and of white attitudes about Indigenous peoples and political claims. Third, I explore Indigenous peoples' intergovernmental relations: the rules of the game that structure their interplay with federal, state, provincial, and territorial governments. Fourth, I engage the research on Indigenous self-government and that literature's models of how Indigenous governments can best respond to the needs of their peoples.

These four literatures cover a wide range of core political science questions. Political scientists from Canada, New Zealand, Australia, and the United States have all produced scholarship in each of these domains. Also, these literatures are strongly interconnected. Each contributes a key element for understanding power, powerlessness, and movement between the two. Power is shaped by advocacy, attitudes, rules, and the public good. To understand power, one part of the puzzle is how Indigenous peoples conduct advocacy campaigns and legislative strategies, and the consequences that flow from those approaches. But ideas have power, too: the political attitudes of Indigenous and non-Indigenous populations affect our conclusions about the kinds of shifts in political power that are desirable and sustainable. Another essential part of the puzzle is the role of institutional scaffolding: the causes and consequences of the fundamental rules of the game. These rules influence which reconfigurations of power are possible and conceivable, but they are pliant as well. And in the end, our thinking about power must return to questions of how governing

can contribute to the public good. When Indigenous peoples possess power to regulate their own affairs, what should good self-governing look like?

I make no attempt at an exhaustive overview of all scholarship on Indigenous politics in the United States, Australia, New Zealand, and Canada. There is certainly good political science research that falls outside of the four areas that I highlight. Also, I limit myself to political science scholarship, although historians, sociologists, anthropologists, psychologists, and legal scholars have all studied Indigenous politics. Any political scientist who is embarking on new studies of Indigenous politics will find important insights in the multidisciplinary literature. For my review, however, I focus on scholars who have most particularly attempted to speak to other political scientists. Political science research on Indigenous peoples fits comfortably within the discipline. It is flush with ideas that draw on and speak to other theories of politics. I believe it merits a serious review on its own.

A note about nomenclature is appropriate at the outset. The uneasy relationship between Indigenous peoples and the governments of New Zealand, Canada, the United States, and Australia is captured by the abundance of names applied to Native Nations as a class: governments, tribes, bands, corporations, councils, communities, peoples, nations. I use the term Indigenous peoples because it seems to be the most recognizable hybrid of wording from across the discourses in all four countries.

BACKGROUND

One common element across all four countries is the extreme socioeconomic disparity between Indigenous and non-Indigenous peoples.¹ It is manifested in poverty rates, food insecurity, educational attainment, incarceration rates, physical and mental health outcomes, and life expectancy. Indigenous peoples are underrepresented in elected office, relative to their population share, in all four nations. Although Indigenous peoples comprise less than 3% of the population in Canada, Australia, and the United States, Maori are roughly one-seventh of New Zealand's population. One common misconception is that casino wealth in the United States has erased American Indian economic disadvantage. This is incorrect. The Census Bureau's 2006–2010 American Community Survey documented that among American Indians and Alaska Natives living on reservations, the unemployment rate was more than triple the national level, and the poverty rate was more than double the national rate. Per capita income was less than half of the national average. About half of the 566 federally recognized tribal governments in the United States operate casinos, with wildly varying success. It has consistently been the case that about one-seventh of tribal casinos generate two-thirds of casino revenue. Ultimately, successful gaming depends on easy access to a large population and major transportation routes, a circumstance that most reservations lack.

In Canada, New Zealand, and the United States, Indigenous peoples are recognized as holding governing powers over designated populations and geographic areas. Those powers are affirmed in treaties, case law, and statutes. Governing powers differ across the three countries and even within Canada and the United States. In New Zealand, Maori legal status is grounded in the Treaty of Waitangi, signed by Maori people in 1840. The treaty is remarkable for its brevity, and there has been much room for interpretation in its application, but it provides a unifying national framework. What is striking about Canada is the profound variety in underlying legal

¹This section synthesizes scholarship from a variety of sources. United States: Cohen 1942, 1988; Cornell 1988; Evans 2011a; Wilkins & Stark 2011; Spirling 2012. Canada: Cassidy 1990, Fleras & Elliott 1992, Maaka & Fleras 2005, Alcantara 2007, Miller 2009. Australia: Fleras & Elliott 1992, Hinchman & Hinchman 1998, Chesterman 2005, Maaka & Fleras 2005, Rowse 2010. New Zealand: Fleras & Elliott 1992, Sullivan & Vowles 1998, Brookfield 1999, Maaka & Fleras 2005.

statuses of its Indigenous peoples, with resulting debates and legal disputes. It becomes difficult to talk about national Indigenous policy because of the widely varying legal statuses of Canada's First Nations. Indigenous peoples in Canada's northern territories and on its west coast have historically lacked treaty status. In a series of court decisions beginning with *Calder* in 1973, the Canadian Supreme Court held that Native land title did exist for nontreaty tribes and thus pushed the government into land claims settlement negotiations. Although some Indigenous peoples have been negotiating with the Canadian government for treaty status in recent decades, the process has been slow and laborious. In many cases, Canadian tribes without long-standing treaties have settled for more narrowly construed land management accords.

There are similar patterns in the United States. Treaty language—and the interpretation of that language in Congress and the courts—can vary considerably. Some tribes were simply overlooked in the treaty-making process. These tribes have had an experience much like their peers in Canada: in the United States, the contemporary federal-recognition negotiation process has been slow, laborious, and unsuccessful for many. However, there is a largely cohesive legal framework within the United States. Cohen's (1988, p. 122) landmark text on federal Indian law in the United States summarized the legal principle of enduring tribal sovereignty in the United States as follows: "those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress but rather inherent powers of a limited sovereignty which has never been extinguished." Cohen spoke of the US context, but his analysis has appeared in briefs and opinions from courts elsewhere.

Australia's legal traditions are markedly different, although Australian case law and statutes have moved closer to the frameworks of the United States, New Zealand, and Canada in recent decades. No treaties were ever signed in Australia. The legal framework, reflected in case law and statute, was *terra nullius*: no one had rights to land in Australia from before British settlers claimed it as their own. The Australian High Court's *Mabo* 1992 decision, and decisions that followed, brought dramatic change. The Court held that some forms of Native title preceded British settlement and endured to this day. The Court's decision drew on Australian practice and overseas legal practices.

In brief, there are two contexts that will have implications in the comparison of Indigenous politics in New Zealand, the United States, Canada, and Australia. First, Indigenous peoples experience extreme economic, social, and political disadvantages in all four nations. Second, despite the shared influence of British settlement, there have been profound differences in the *de jure* and *de facto* powers of Indigenous peoples in these four nations. Yet, since the 1970s, their courts have moved closer to a common understanding that Indigenous peoples have rights that preceded European arrival and that endure today.

INTEREST GROUP POLITICS AND LEGISLATIVE POLITICS

Scholarship to Date

One vein of research that we see across all four countries is that of interest group politics and the related domain of legislative politics. It is important to note that Indigenous peoples approach interest group politics and legislative politics with unique objectives and institutional forms. In all four countries, Indigenous peoples' activism is rooted in a far deeper sense of collective interests and collective organization than most other interest groups' activism: they advocate as communities and nations, not as a collection of actors who find common cause. This is a vital distinction.

Yet it is striking how—even with unique objectives, unique organizations, and a starting point of deep marginalization—Indigenous leaders command common techniques of strategic,

utility-maximizing insider politics. The pattern illuminates the fact that politics is not wholly determined by unique structures, values, and disadvantages. Advocates on the outside retain agency, can climb steep learning curves, and can be as perspicacious as far better-endowed actors. Clearly those disadvantages—which can contribute to environments where Indigenous objectives are trivialized or treated as illegitimate—structure outcomes and constrain successes. But Indigenous peoples are not simply victims; they have built power from powerlessness.

Across New Zealand, Australia, the United States, and Canada, intense protest politics and disruptive tactics were a prominent element of Indigenous political advocacy in the 1960s and 1970s. These forms of outsider politics were important in bringing national awareness to the injustice experienced by Indigenous peoples. They mark the shift into the modern era of Indigenous politics. An excellent interdisciplinary literature has examined how these politics played out. In more recent decades, however, Indigenous advocacy primarily takes the form of insider politics.

The American scholarship—which includes my own research—shows a range of advocacy strategies that look familiar to any scholar of interest group politics but also include specific dynamics that derive from Indigenous peoples' social, economic, and political status outside of the mainstream. American Indian tribal governments that advocate for power, resources, and recognition for their peoples are often very active in local and state politics and successful in their efforts (Evans 2011a,b). They make strategic investments—short-term tradeoffs for medium- and longer-term rewards. For example, tribes with advantages in some domains and weaknesses in others are very selective about the issues they pursue. Tribal advocates describe a process in local, state, and national politics of selecting issues that are both important and winnable, and then committing to significant and long-term efforts to persuade decision makers and cultivate support. We see comparable selectivity by American Indian state legislators, who commonly seek to limit the number of bills that might increase tribal power and resources. This selectivity is not knee-jerk but is specific to context. I find that tribes that have attained better-than-typical political and economic resources move away from this extreme selectivity and begin to look much like other kinds of advocates (Evans 2011a,b).

Other scholars have explored the lobbying that has emerged for some tribes as a result of new-found casino wealth (Boehmke & Witmer 2012, Light & Rand 2005). They find that these new actors adopt rather conventional lobbying strategies despite a steep climb of the political learning curve and their unique interests and objectives. Mason (2000) illustrates that even in the early years of lobbying by casino tribes, these tribal governments deployed insider strategies: they built coalitions with legislators, cultivated relationships with key bureaucratic decision makers, developed alliances with non-Indian interest groups, and conducted publicity campaigns. McCool et al. (2007) demonstrate growing American Indian participation in electoral politics and the election of American Indians to local and state legislative bodies.

I do not want to overstate American Indian tribal governments' successes. Wilkins & Stark (2011, p. 117) characterize federal Indian policy in the United States as "a bizarre and inconsistent blend of actions." There are limitations on tribal power. One important indicator of these difficulties is that spending on federal Indian programs declined steadily from 1980 to 2000 (Walke 2000) under both Republican and Democratic presidents. But in light of the immense barriers, the successes are extraordinary. I'm part of a community of scholars that wants to understand how anyone could pull them off.

We see similar types of insider political and legislative maneuvering in other countries. In Australia, where Indigenous peoples lack the recognition of nationhood that we see in the other three countries, we see organized protest, publicity campaigns, lobbying, and legislative negotiations. These strategies are deployed both in issue-specific campaigns and on more fundamental legislative change (Trebeck 2007, Maddison 2010, Rowse 2010, O'Faircheallaigh 2012).

There is an intriguing literature on Indigenous legislative politics in the Canadian North, the territories that are north of the sixtieth parallel. Indigenous peoples have won high office and been active in elite insider negotiations in Northern territorial and local governments. Once, Northern affairs were largely regulated from Ottawa and administered by federal bureaucrats posted in the territories. There has been significant devolution of power, and because these regions have preponderant Indigenous populations, opportunities for elective office have emerged. Indigenous peoples have been important political players there and have taken an active role in shaping these newly empowered governments (see White 2002, Abele & Prince 2007).

In the literature on Canadian Indigenous politics, it is more difficult to draw the distinction of interest group and legislative politics versus intergovernmental relations. So much of Canadian Indigenous politics relates to long-term negotiations about the fundamental status of nontreaty Indigenous peoples, particularly in the province of British Columbia and in the North. I explore that literature in a later section.

New Zealand presents the strongest instance of direct legislative representation of Indigenous peoples. Since 1867, a small number of seats in Parliament have been set aside for Maori. In legislative reforms in 1967, the cap on Maori seats was removed and the number can now fluctuate. Also since then, Maori voters have been able to opt to vote in elections on either the Maori roll or the general roll, where they can vote in the legislative district where they reside. The number of guaranteed Maori seats depends on the numbers of Maori voters who opt onto the Maori rolls and general rolls. Thus, Maori presence in Parliament has been ongoing for nearly a century and a half (Sullivan & Vowles 1998). For much of that history, Maori Members of Parliament (MPs) were viewed as inferior by their colleagues and traditionally have had limited power within the body (Banducci & Karp 1998). Fleras (1985) argues that even that marginalized presence had impacts. Maori were never invisible in Parliament. Maori MPs were able to closely observe elite New Zealand politics, learning and disseminating those lessons, which provided a resource for Maori negotiations with power brokers.

Throughout most of the twentieth century, Maori representatives maintained a delicate coalition with Labor and won partial adoption of reforms that they valued. Their attachment was uneasy; Maori MPs did not hesitate to attack Labor when the party veered from their objectives. But Labor did make some policy accommodations, and Maori voters tended to affiliate with Labor (Karp 1998). In 1993, New Zealand switched to mixed-member proportional (MMP) parliamentary elections, leading to the growth of third parties and laying bare the fragility of the Maori–Labor relationship. Strategic departure from Labor became more pronounced.

In the first election under the new system, in 1996, New Zealand First was one of the newly flourishing parties, and a sizeable portion of its MPs were Maori. In the end, neither of the two major parties—National and Labor—won a majority of the seats; each sought New Zealand First's support for a coalition government. New Zealand First decided that National would offer them greater accommodation and thus allied with the party that was further removed ideologically from their electoral base. Indeed, Maori leaders were elevated to key appointments under the coalition. It was a calculated gamble, but ideological tensions and backlash from both National and New Zealand First voters led to a quick collapse of the coalition (Miller 1998, Sullivan & Vowles 1998). Maori MPs responded to New Zealand First's foundering with political adaptability, leaving New Zealand First en masse for a return to Labor (Sullivan & Margaritis 2002). Yet it was not an unconditional commitment to Labor; most Maori MPs later left Labor for a Maori third party.

The political adaptability of Maori MPs is clear. This pattern was longstanding before the adoption of MMP and has been more pronounced in an environment of multi-party viability. Maori MPs have pursued context-specific politics.

Implications

What unites these literatures? To begin, they illuminate that Indigenous peoples—in the face of political, economic, and social disadvantage—manage to play insider politics successfully. Indigenous peoples deploy politics that take into account their particular resources and their political environment. They make strategic choices of short-term sacrifices for medium- to longer-term gains. We see variation in the success of these approaches. Even more cross-national empirical studies would provide more opportunities to examine and explain that variation.

These findings expose the preconceptions of the many non-Indigenous observers who expect that the worldviews of Native peoples will promote political maneuvering fundamentally different from that of their non-Native countrymen. To a degree, these findings ought to be unsurprising: why wouldn't Indigenous advocates notice what has worked for other types of advocates and employ those tactics in their own efforts, and then carry those lessons forward? Indigenous people are still citizens of the states, provinces, and countries where they reside. By dispelling misperceptions, we open up a new set of cases on which to test theories of interest group and legislative politics.

First, I would argue that what is particularly interesting—beyond the fact that this scholarship disproves certain presumptions—is how Indigenous peoples traverse the space between deep disadvantage and insider politicking. A key dimension is the steep learning curve—both for organizations and for individual advocates. We can use the study of Indigenous politics to make progress in formulating a nuanced, generalizable theory of how political actors learn.

Another important element is the extent to which non-Indigenous audiences see Indigenous peoples' political aims as trivial, illegitimate, or odd. We have models of how political entrepreneurs, as a general matter, “soften up” policy communities (Kingdon 1984). But how does softening up unfold in the face of intellectual marginalization? This is a major question for Indigenous politics, and it has a frequently unrecognized implication for studies of the politics of policy making. Lobbying by casino-enriched tribes has faced backlash in non-Indigenous elite and public opinion in the United States. We see comparable debates about the appropriateness of Indigenous lobbying in Australia and New Zealand.

Second, there are interesting and important implications from Indigenous leaders' difficult calculations about allocating their scarce political capital. Which advocacy campaigns are overly ambitious and which are excessively unambitious? Indigenous actors face hazards from large political initiatives that may demand extensive investment of their time and energy and thus may deplete their political capacities. At the same time, a compilation of low-cost, low-yield victories may be equally undesirable. One major concern is that when Indigenous leaders play insider politics and gain modest victories, they are perhaps being coopted by non-Indigenous interests and distracted from bigger objectives that could be achieved through outsider tactics. Certainly scholarship on the 1970s shows that protest politics was a powerful tool for Indigenous peoples, a tool whose use has declined since. Governments of New Zealand, the United States, Australia, and Canada have often shown more interest in symbolic Indigenous politics and in granting marginal improvements in individual services to tribal members—support for the safety net, schools, education, and training—rather than broader changes in Indigenous status. The fear is that in settling for changes in individual services, Indigenous peoples are undermining their objectives of collective recognition and further movement toward government-to-government relations.

Indeed, it is difficult to distinguish strategic concession, long-range incrementalism, snookering, and cooptation. Some have argued that even symbolic gestures from non-Indigenous governments can change fundamental orientations, thus delivering long-term payoffs; and that modest

services from non-Indigenous governments can be structured in ways that allow capacity-building in Indigenous communities that will pay off in more effective advocacy later (Fleras 1985; Rowe 2000, 2010). These themes appear in my own work as well, but I'm not convinced any of us has yet fully figured out this puzzle.

Institutional contexts matter, which is why analysis of these tradeoffs in the United States alone is not fully satisfying. These difficulties in drawing distinctions are not absent in the United States, but they are mitigated by the legal arrangements around American Indian tribal governments. The same is true to a large degree in New Zealand, but arguably New Zealand remains more contested than the United States (Te Ati O Tu MacDonald & Muldoon 2006, O'Sullivan 2008). In the United States, courts and treaties provide two pillars of federal relations with tribes, articulated by Marshall: sovereignty and trust status. The first pillar is that tribal governments conceded some aspects of sovereignty through treaties but retained all others. The second is that, as a natural consequence of the fact that tribal governments surrendered parts of their sovereignty, they cannot fully provide for all the needs of their citizens, and therefore the US government has a trust responsibility to Indian nations. Trust and sovereignty are inextricably tied together: the federal government has dual responsibilities that complement each other. I do not want to overstate the case, but it becomes possible to argue that US scholars miss out on interesting questions because American Indian advocates do not face as sharp a tradeoff between promoting sovereignty and promoting a trust relationship.

PUBLIC OPINION

A naturally related issue is that of public opinion—because public opinion is an important area of research on its own, but also because institutional analysis is incomplete without it. When judging the “success” of Indigenous advocacy, we must ask how well it matches the preferences of Indigenous constituents. Also, to understand the long-term sustainability of that success, we must ask what non-Indigenous backlash might unfold. If marginalization is not just about social, economic, and political disparities—but also about invisibility and trivialization in public understanding—then political attitudes are of even greater importance. As a result, public opinion research needs to speak to both Indigenous and non-Indigenous attitudes.

Indigenous Political Attitudes

My first exhortation is that public opinion research should expand studies of the political attitudes of Indigenous peoples themselves. There are unique and perhaps intimidating difficulties involved in surveying Indigenous peoples, but techniques have been illustrated (Lavelle et al. 2009). To date, there is precious little survey research on the political attitudes of Indigenous peoples in the United States, Canada, and Australia. Studies of New Zealand reveal interesting dynamics and illuminate questions that can produce fruitful scholarship elsewhere in the Anglosphere. In New Zealand, Maori are roughly one-seventh of the population, so it has been easier for the New Zealand Election Study to produce sample sizes where it becomes possible to compare Maori to non-Maori and, to an extent, compare Maori subpopulations to one another.

Banducci et al. (2004) make the case that Maori public opinion is a fruitful domain for evaluating broader theories about political trust among racial minorities, and they demonstrate parallels between the attitudes of Maori in New Zealand and African-Americans in the United States. Data indicate that Maori experience political alienation and distrust at higher rates than the rest of the New Zealand population. Some of the difference is explained by disparities in income and education, but certainly these scholars do not claim to have the entire story worked out. Descriptive

statistics indicate that, despite income and education disadvantages, Maori voters have responded to the opportunities for strategic voting that MMP has provided to the same extent as others in the electorate (Sullivan & Margaritis 2002). In terms of general party affiliation, Maori voters seem fairly consistent—they show steady preferences for Labor over National—but as various other parties have risen and fallen since the onset of MMP, Maori voters have also supported newer parties with stronger Maori rights platforms (Fleras 1985, Miller 1998).

Data indicate also that Maori frustration with Maori MPs is high, raising important questions about the strategic behavior of Maori MPs (Banducci et al. 2004). Empirical research finds that Maori are more inclined than other New Zealanders to care about the traits of the leader of a party rather than just the party platform. This might offer a corollary to questions about descriptive representation, but more data are needed. A larger sample size would allow even finer-grained analysis (Karp & Banducci 1998, Sullivan & Vowles 1998).

This work raises important questions that could inform other research. Indigenous peoples in all four countries are constituents of many Indigenous elected officials. Maori are not represented only by MPs; their lives are also shaped by local Maori and non-Maori politicians. In Australia, the United States, and Canada, Indigenous elected officials serve in state, territorial, and local legislative bodies. In Canada and the United States, Indigenous peoples elect tribal leaders as well. How do Indigenous individuals rate different types of Indigenous leaders? How do institutional features shape their attitudes about their elected officials? How do current events matter? What predicts trust? What is unique about Indigenous attitudes and what attitudes parallel the perceptions of other marginalized groups?

Scholars of Indigenous institutional politics should care about the answers to these questions. Survey research would be a valuable tool for assessing the performance of Indigenous advocacy strategies. It is difficult to assess the merits of a political strategy without clear information on the preferences of constituencies.

Non-Indigenous Political Attitudes

There is a slightly larger literature on white attitudes about Indigenous peoples and politics. As above, these attitudes matter for our broader understanding of public opinion. What is the nature of racial animus against Indigenous peoples in Canada, Australia, the United States, and New Zealand, and how does it compare to majority attitudes about other minority populations? Non-Indigenous political attitudes are also important for our understanding of Indigenous institutional politics. How and why are there backlashes against Indigenous political gains? Also, how do we evaluate the merits of Indigenous advocacy strategies that emphasize symbolic changes or outreach campaigns? The nature of non-Indigenous political attitudes shapes our expectations about the long-term consequences of various advocacy strategies.

Bobo & Tuan (2006) provide the most extensive evaluation of public opinion about American Indian tribal governments. They argue that white opposition to American Indian fishing rights in Wisconsin was grounded in group position. The intensity of opposition to fishing rights depended on the interplay of negative attitudes about American Indians and respondents' belief about whether fishing rights directly affected them. Bobo & Tuan's work demonstrates that a model of racial politics used to analyze black-white relations can extend into other kinds of American race relations.

There is experimental work from Australia that points to conditional and malleable attitudes. Donovan & Leivers (1993) ran a two-week publicity campaign in a small Australian town. The advertisements emphasized that Aboriginal Australians were active in the labor market and in the pursuit of employment. Their pre- and postsurveys showed that whites in the community became

more likely to believe that Aboriginal Australians were employed and had been at their jobs over long periods of time.

There is further analysis of the conditional nature of white racial attitudes. Scholars of New Zealand and Australian politics have argued there are tensions in white attitudes about Indigenous political claims. This scholarship makes the case that whites have sympathy for the injustices experienced by Indigenous peoples but find their own idea of national identity threatened and fear what they construe as “special status” for Indigenous peoples. White politicians, seeking to mobilize and countermobilize white political opinion on Indigenous issues, have alternately emphasized the theme of national sympathy for Indigenous injury and the theme of national unity that precludes special treatment (Moran 2002, Maddison 2006, Bonnell & Crotty 2007, Robbins 2007, Smits 2011). Such campaigns have been experienced in the United States and Canada as well (Wilkins & Stark 2011). The conclusions from Australia and New Zealand parallel Smith & King’s (2005) argument about the duality and tensions in racial attitudes in the United States. Smith & King hypothesized that their model, built around black-white relations, should apply to American Indians but did not empirically assess that possibility.

Most of this exploration of the competing values that drive white attitudes about Indigenous peoples examines elite rhetoric. Scholars offer hypotheses that could be further evaluated with survey research and experiments. White attitudes about Indigenous politics are not monolithic, of course, and surveys and experiments offer the opportunity to test sources of variation in attitudes. Such work could also speak to broader ideas about how people reconcile competing values and what leads them to reconfigure that balance. Also, given the indication that white attitudes are conditional, it would be interesting to know more about what stimuli may alter public opinion. Research along these lines could offer a more nuanced view of the sources of stability and volatility in white attitudes.

INTERGOVERNMENTAL RELATIONS

In Australia, Canada, New Zealand, and the United States, Indigenous legislative and interest group politics are situated within fundamental frameworks. The political power of Indigenous peoples is shaped by rules of the game in national, state, provincial, and territorial politics. At one end of a power continuum, where Indigenous political power would be robust, the rules of the game would be government-to-government relations: Indigenous peoples would be treated as equal sovereigns. At the other end of the continuum, national, state, provincial, and territorial governments would refuse to acknowledge any collective organization of Indigenous peoples. We observe neither extreme in its pure form, of course. In between are a variety of structures that differ in their scope, formality, and fluidity. There is interesting and important research from Australia, New Zealand, the United States, and Canada on how Indigenous peoples move closer to or further from government-to-government relations and what consequences that movement brings. Many scholars note that fundamental shifts in the rules of the game are rare and hard won. Even when Indigenous peoples have achieved more favorable arrangements, those rules require taxing, constant maintenance.

If big changes in Indigenous peoples’ relations with these four national governments are very difficult to achieve and sometimes simply not on the table, what are the alternatives? Indeed, the rules of the game can be recrafted in ways that have noteworthy effects but are less formal, more fluid, and more tailored. There is no scholarly consensus about how to judge how well various interests are served by these compromise arrangements. An important question is whether compromises have long-term implications for additional rule changes because they set precedents or generate capacity—what Rowse (2000) calls the “*sinew*” of advocacy.

Australia

Among the four countries, Australia is most remarkable for recent changes in the rules of the game. Court decisions in the 1990s recognized rights of Native title, but a number of scholars have pointed out important institutional changes that started in the 1970s as the Australian government agreed on a framework for granting some regulatory powers to Indigenous collective entities. The implication from the Australian experience is that more modest institutional changes in the 1970s may have laid groundwork for larger changes in subsequent decades. The Australian High Court's reasoning may have been informed both by the shifts in governing philosophy in the 1970s and by the resulting demonstration of Indigenous peoples' capacity for self-regulating. The interpretation of Australian events remains a subject of debate (Fleras 1985; Hinchman & Hinchman 1998; Rowe 2000, 2010).

Perhaps cross-national analysis could bring more evidence to bear on the important questions that emerge from Australia's experience. As we look to Australia's future and to Indigenous peoples elsewhere in the Anglosphere, should we conclude that incremental rule changes can lead to substantial new outcomes (Bonnell & Crotty 2007)? If not, what dynamics conditioned the Australian experience in earlier decades and produced an unusual outcome?

Canada

If Australia is the case where the rules of the game have changed the most in recent decades—in other words, where political scientists have the chance to study variation in rules over time—Canada is the case that affords political scientists the chance to study variation in rules across space. Patterns of Canadian settlement left a hodge-podge of land rights and legal statuses for Indigenous peoples. Treaties were signed in some places but not in others. Most particularly, Indigenous peoples in British Columbia (Canada's west coast) and in territories north of the sixtieth parallel lack treaties that clarify their rights and lands. Canadian Supreme Court decisions in recent decades have noted that Native title persists in those regions, but the policy response has been unclear. Indigenous peoples in Canada's North and West have faced difficult choices about whether to engage the Canadian government in lengthy, exhausting, and potentially fruitless treaty negotiations (Malloy 2003, Fiske & Browne 2006, Alcantara 2007).

When Indigenous advocates turn away from treaty negotiations and instead pursue more modest political change, they encounter new political difficulties. One alternative is to settle for more narrowly defined land claims agreements or land management collaborations. A second alternative that Indigenous Canadians have been able to pursue is devolution of Ottawa's authority to territorial and local governments (Abele & Prince 2007). Given the demographics of Canada's North, devolution may produce *de facto* Indigenous empowerment, but devolution requires ongoing negotiations about the exercise of power. Likewise, land management collaborations can achieve power in practice, but these powers are narrowly construed and also require constant negotiation with non-Indigenous regulators, who have the authority to alter these collaborative arrangements unilaterally (Cassidy 1990, White 2002, Abele & Prince 2007, Alcantara 2007). Furthermore, the Canadian government has displayed a strong preference to focus on a third class of policies: expenditures that address the vulnerabilities of Indigenous individuals and deliver individual social services. These policies have troubling implications for Indigenous peoples' efforts to present themselves in the public eye as collective bodies capable of self-governing (Malloy 2003, Fiske & Browne 2006, Abele & Prince 2007).

Indigenous Canadians face difficult choices with cascading consequences, but those cascades have not played out exactly the same way everywhere. An open question is whether, by acceding to

these alternatives, Indigenous peoples are accepting a status below that of treaty tribes, or whether they are building experience with self-governing and with political negotiations that can be used for larger struggles later.

The Canadian judiciary has played an important but ambiguous role in this process; it has offered broad principles about land rights but has left a great deal of discretion to the executive branch. The Supreme Court of Canada has articulated the right of Native title and the responsibility of the national government to engage in consultation and good faith negotiation. Implementation of these principles across Canada's vast land expanse and hundreds of Indigenous communities, however, remains open to interpretation (Kelly & Murphy 2005).

In summary, one of the most striking features of Canada's institutional ambiguity is the exhausting, constant effort that it requires. Treaty negotiations are extremely taxing. Land management agreements are fluid and not entirely reliable; Indigenous advocates must be constantly attentive to maintaining arrangements. Acquiescing to the Canadian government's desire to provide individual services to Indigenous persons would seem to take a lot less effort, but perhaps it sets a troublesome precedent that collective Indigenous interests can be atomized.

New Zealand

It would be easy to glance at New Zealand's more robust and uniform recognition of Maori governing power and deem the New Zealand experience a class of its own. This conclusion would be a mistake. Even in the present era, there have been profound changes in the basic institutional arrangements of Maori relations with New Zealand's government. The defense of Maori power requires a continuing participation in debates in multiple political arenas. The Maori vulnerability derives from the white public's and white officials' unease with the legal powers afforded to Maori. The worry is that if the Maori lose the struggle of ideas, the consequences could trigger the decay of the present-day interpretations of Maori treaty rights (Maddison 2006, Te Ata O Tu MacDonald & Muldoon 2006, O'Sullivan 2008). The Maori effort has surprising parallels to the experience of Canadian Indigenous land management bodies. Maori elders have lived through eras when the New Zealand government's interpretation of Maori power was much less robust than it is today; they see good reason to not take present-day arrangements for granted.

United States

Since the 1970s, the official policy of the US government has been tribal self-determination, although implementation has been rocky. All the same, the US Bureau of Indian Affairs' regulation of tribal government has abated over time. The most recent step toward government-to-government relations and away from federal regulation is the creation of the White House Council on Native American Affairs. The Council's stated intent is to take steps to elevate tribal relations above federal bureaucracies and to higher-level negotiations. Whether the Council delivers on that intent remains to be seen.

A body of scholarship, which includes my own work (McCool et al. 2007; Evans 2011a,b; Wilkins & Stark 2011, Steinman 2012), examines the difficult tradeoffs that American Indian tribal governments face as they choose whether to invest scarce time and energy into interest group and legislative politics—which bring more concrete and immediate gains—or to invest that scarce time and energy into defending and perhaps even slowly reconfiguring their powers in pursuit of government-to-government relations. Tribal advocates experience uncertainty in deciding how to strike that balance. It has been difficult for practitioners and scholars alike to detect which contextual features should inform choices of tradeoffs.

Implications

Mezzo-level structures for Indigenous collective power have been multiplying in the Anglosphere, in part because many new rules are tailored to specific issues and specific localities and therefore may overlap one another. There are important questions about their diffusion. How does one agency, one local jurisdiction, or one Indigenous community decide it is interested in a particular new framework? Among the organizations that have been around longer, what has been their trajectory? When do compromises exhaust finite capital and when do they replenish skills and foster new allies?

We have seen Indigenous peoples gain important new power in recent decades. Which starting points have more enduring effects and which can be more easily left behind, for good or ill? Which types of power easily persist without much effort and which are more apt to erode without constant maintenance? Better answers would advance political science's understanding of institutional power.

Furthermore, as with interest group politics, political scientists face empirical questions of how to assess Indigenous political performance. Whose needs are served and how well? It is not only a question of who extracts power and resources but also a question of which powers and resources best serve Native communities.

Finally, the study of the rules of the game is often a scholarship on the judiciary's relationship with the other parts of government. Courts in all four countries have made multiple decisions in recent decades that either acknowledge or rescind classes of Indigenous power. In none of the countries have legislative and executive relations with Indigenous peoples been untouched by judicial decisions or the specter of future judicial action. We see many cases where court decisions are followed by legislation that implements a narrow response to new powers and resources. We can learn more about judicial politics by building on a compelling literature that examines how Indigenous advocates and their adversaries respond in the wake of court decisions.

INSTITUTIONS OF SELF-GOVERNMENT

What kinds of self-government and self-governance best contribute to the well-being of a people? Indigenous governing bodies may possess impressive powers and resources, but are they the right tools to meet public needs? The danger is that features of self-government and self-governance that were dictated by non-Indigenous authorities have imposed alien concepts about the nature of the consent of the governed, legitimate authority, and civic society. The question, then, is what alternative forms there might be.

How do we know good self-government or self-governance when we see it? One indicator that some scholars have proffered is the mechanism revealed by process tracing (see Cassidy 1990, Hinchman & Hinchman 1998, Wilkins & Lightfoot 2008, Stark 2010). For the structures of self-governing that exist, who participated in the design? Were key elements designed by Indigenous thinkers and leaders, or was the design driven by non-Indigenous actors? Woolford (2005) describes how treaty making in British Columbia was undermined by a process dictated by non-Indigenous leaders in the province. Those non-Indigenous leaders wanted mechanisms that provided them with certainty and finality in the resolution of Indigenous claims. Indigenous leaders' driving motivation was transformational justice, but their values were not easily accommodated.

Another indicator is an end result that does not mimic institutions that come from the Anglo tradition. If Indigenous values and ideas about civic and political life are truly embedded in self-governing, these unique priorities should generate new institutional forms. Bruyneel (2004, 2007) identifies unique forms that he describes as "the third space of sovereignty." He remarks, "This

effort to define a form of ambivalent American-ness reflects a significant tradition in indigenous politics, which involves indigenous political actors working back and forth across the boundaries of American political life" (2004, p. 30).

Kahnawake Mohawk scholar Taiaiake Alfred (1999, pp. 50–51) identifies pillars of Indigenous governing traditions. Indigenous governing "depends on the active participation of individuals"; "balances many layers of equal power"; is "dispersed," "situational," and "noncoercive"; and "respects diversity." He also notes that analysts should focus on fundamental decision-making processes and not the trappings of government. For instance, he does not want analysts to be distracted by the fact that "[m]ost acknowledge that all Native structures will have to incorporate modern administrative techniques and technologies" (1999, p. 3).

It is difficult to identify the unique imprint that one should expect to come from all Indigenous institutional designers. Indigenous peoples have widely varying traditions surrounding authority, hierarchy, leadership, and centralized power. Nor should one expect Indigenous self-government to replicate practices of a precolonial era: cultures are dynamic and traditions evolve. Richland (2005) and Boldt & Long (1984) suggest that effective self-government will be a unique hybrid of Anglo and Indigenous traditions. Schouls (2003) calls this "pluralist self-definition." Pluralist self-government allows for multiple influences on institutional design because members of an Indigenous community are not a monolith; in their daily lives, individuals have different ways of blending Indigenous and Anglo traditions. Rowse (2000) notes that many non-Indigenous political actors forget that, as in any community, Indigenous people may have fundamental political disagreements with each other. Self-definition means that institutions are adaptable and have the flexibility to change. Hybridizing is a dynamic and ongoing process. The right balance depends on context and may need to be discovered and refined through experience.

The scholarship on self-government and self-governing has a number of implications that merit further study. One insight from this literature is that the design of effective self-government cannot entirely transpire in the abstract or on paper: it must emerge from the learning process of lived governing experiences. Another insight from this literature is that Indigenous self-governing will appeal to non-Indigenous political actors when it lowers their transaction costs. This is a key appeal that can bring non-Indigenous elected officials and firms to the bargaining table. When and how can Indigenous governments operate in ways that are predictable in their outside relations yet flexible in their internal operations? Do these two forces inevitably clash? These questions can move our thinking on effective and legitimate self-government to emphasize the criteria of resilient self-government.

Right now, across New Zealand, Australia, Canada, and the United States, Indigenous officials are concerned about effective and legitimate self-governing and are making daily choices about how to respond—or deciding to postpone action for a later day because of immediate constraints. I propose that these choices are an exciting area for research. A lively scholarship has explored how, in non-Indigenous governments and nonprofit organizations, frontline bureaucrats constantly make judgments about what the public good is and how they should execute it. Do the bureaucrats who implement Indigenous self-governing have the same approaches? Why or why not? The existing scholarship shows that Indigenous self-governing is grounded in larger institutional reform. I wonder, though, if there is more to learn about the roles of imagination, self-understanding, and the daily exercise of discretion in Indigenous self-governing.

CONCLUSION

Before wrapping things up, it is useful to reflect on the great variation in Indigenous politics in Australia, New Zealand, Canada, and the United States. The four nations are spread across

great distances and varying terrain. The Indigenous peoples that preceded British settlers differed greatly in their size, economies, technologies, militaries, governments, faiths, and cultures. British settlers arrived in North America in the early seventeenth century and in Australia in the late eighteenth century. North America was colonized by a variety of European powers; Indigenous peoples' relations with the governments of the United States and Canada still bear the imprint of French, Spanish, and Russian settlement. In Australia, no treaties were ever signed, and until recent decades, the Australian legal framework was that the land was *terra nullius* when British settlers arrived and began occupying it. In the United States, the American Revolution and US Constitution brought unique political institutions. In New Zealand today, Maori are about 15% of the population and the country's largest racial minority. In Canada, the United States, and Australia, Indigenous peoples are only a small percentage of the population and less populous than other racial minorities in each country.

Those are a lot of differences. Nonetheless, political scientists have developed insights about Indigenous politics that span the Australian, American, Canadian, and New Zealand experiences. Perhaps improbably, there is a common core to Indigenous–state relations in the Anglosphere.

I have argued (Evans 2011a,b) that, despite uniquely important features of American Indian tribal governments' struggle to recapture power from the US government, American Indians' political challenges are not all that different from the political challenges of other marginalized communities in the United States. As Vine Deloria, Jr.—who laid much of the foundation for the contemporary study of American Indian law and politics—put it, although we should not overlook important distinctions, many minority communities face a core challenge as they respond to the power of the US government (Deloria 1970, especially pp. 100–137).

I think contemporary political scientists, in their studies of Indigenous politics in the United States, Canada, Australia, and New Zealand, have demonstrated an international corollary. We should not gloss over the differences in Indigenous politics between these four nations. But at the same time, we should not fear cross-national research and inferences. Political scientists studying Indigenous politics in Canada, the United States, New Zealand, and Australia have converged on the insights that advocacy, attitudes, rules, and the public good are key elements in Indigenous power, powerlessness, and their movement between those poles. Sometimes their work confirms one another's. Sometimes scholars' work on one country raises logical implications that scholars of the other three countries cannot afford to ignore. In either case, political science is a richer and more lively intellectual community because of the insights that these scholars of Indigenous politics bring to each other, and because of the insights this research from all four countries brings to the core questions about political power.

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