

[Turner on Justice and O'Brien, 'Allotment Stories: Indigenous Land Relations under Settler Siege \(Indigenous Americas\)'](#)

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Christopher Turner on Daniel Heath Justice and Jean M. O'Brien, eds., *Allotment Stories: Indigenous Land Relations under Settler Siege*

Allotment Stories: Indigenous Land Relations Under Settler Siege, edited by Daniel Heath Justice and Jean M. O'Brien, is a new collection that emerges out of a context shadowed by the recent, ground-shaking uncertainties of the Supreme Court decision *McGirt vs. Oklahoma* (2020) and is aimed at addressing the deeper milieu of the legacy of allotment policy and related contexts, but does so with the sure-footedness and confidence of scholars who have worked closely, heard each other in close discourse, and indeed, agreed to work on the present volume after a panel discussion at a recent NAISA conference. More surprisingly, it is a volume that truly achieves both a multidisciplinary *and* an international Indigenous vocality, where the editors sought a dialogue with “a global community of scholars,” and by presuming that analogues could be meaningfully made to issues of forced privatization across an international topology of Native territories, the framework for a most unique and invaluable volume was set. In their introduction, the editors assure that the choice of the subject of allotment policy history vis-a-vis an international context is critical and worthy, due to its “long shadow and global influence”; it was never “limited to one nation-state.” Further, they argue, these “diverse local contexts have resulted in diverse Indigenous experiences, but they were and remain deeply informed by the shared alienating logics of allotment,” those that “sever the deep reciprocity of people and place” (p. xvii). And the collection does indeed succeed in demonstrating the impact and breadth of these experiences. The structure of the volume—in four themed parts—will be addressed and named in sequence with the selections in review that follow, but another organizing element is worth noting, that of the section breaks that are inaugurated with a piece of creative writing that, for this reviewer, was a welcome balm in between intellectually rigorous but also heavy and emotive historical discussions.

Part 1 of *Allotment Stories*, appropriately to be sure, is one framed primarily by “Family Narrations,” but as we will see, the themes in the volume are more to be seen as cumulatively layered as we progress, rather than simply treated and left behind; nothing within this topic is merely *left behind*.

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Indeed, for editor Daniel Heath Justice, the story of allotment's legacy is personal, and this chapter makes for an excellent foundational exposition on the broad range of issues on the history of the policy the authors will raise through offerings that follow. Proffering the two spellbinding family narratives that compose his identity, he both distinguishes and intertwines radically different subjective experiences of the allotment legacy that evolved in Indian Territory that his grandparents' lives were the evidence of.

With one side of the family demonstrably enfranchised within the Cherokee Nation, and the other a significantly fictionalized and vaguely Native account, he is thereby able to show us both ends of a continuum of authentic Indian background that nonetheless was both subject to and complicit in the various mechanisms whereby the Five Tribes lost territory within a strategic system of dispossession that included "fanciful" family histories and families who simply did not retain the stories that tied them to their lands as they moved through the debilitating experience of the allotment legacy. Of these major forces, Justice helps prepare us for later complexities with this lucid and ground-laying observation: "this was a terrifying time of looming devastation ... while Five Tribes officials were busy determining eligibility for land and resource distribution and trying to keep families together as much as possible, white lawyers, judges, police, and other authorities were busy trying to undermine the process and separate them, thereby fractionating ties to kin as well as links to land. Decades of increasingly coercive allotment legislation was the tangible manifestation of that eliminationist logic" (p. 26). The reminder of the personal impact such revealing genealogies offer, and these orienting historical overviews he intersperses them with, make the positioning of Justice's chapter laudable in *Allotment Stories*.

Another key contribution of Justice's early chapter is the introduction of the importance of storytelling about family histories and their relation to historical eras, as a Native form of remembering, a process of dealing with the patterns of historical trauma wrought by policy, one that links many of the chapters in the volume together. Not the least of which is editor Jean M. O'Brien's remembrance of her astonishingly prescient grandmother, a White Earth allottee, whose life story of traversing the landscape of Minnesota was the stuff of O'Brien's upbringing but which also now informs an ethnohistoric and textual experience that she obligingly shares with us: O'Brien's grandmother left her journals of her post-allotment period experiences, and they aid her in realizing the commonality among Ojibwe (and likely others') family stories as "inescapably stories of mobility," whereupon a Nation and their traditional patterns of movement across their homelands—"they held mobility and fixity in tension" (p. 35), she keenly notes—is disrupted by speculation, encroachment, and then policy, and becomes the subtext of any discourse of a family's spoken life stories. In O'Brien's grandmother's case, though, her keen analytics is hardly subtextual, but leaps from the journals with zeal, and names names. Land agents, politicians, and policies are called out and left for her granddaughter's—and now our—incriminating view. As they should be: O'Brien elicits from her grandmother's writings acute revelations, for example, about the apparent pre-ordaining of allotment policy extensions such as the Clapp Act, via the land speculation she readily observes in her White Earth community of Manhomen, allowing O'Brien to calculate that "the creation of a market in Ojibwe land motivated the legislation [and]... the true intent of the Act [was] to dispossess Indians" (p. 42). The disinheritances that followed these manipulative practices provided for new patterns of Ojibwe mobility, of course, ultimately via familiar urbanizing patterns and new communities of labor, cultural revival, and organizing, which O'Brien, with the lessons of her grandmother's jotted epistles providing focus for her historical frame, observes "represented new nodes of Ojibwe mobility that did

not negate the vital connection to White Earth” (p. 45). And so, O’Brien gleans from her kin the lesson that White Earth remains an epicenter of their family story, despite the tragic dispossession that occurred there, simply through their awareness of the lives lived there bespoken of by a woman who not only lived the experience, but was self-driven to preserve and recount it; indeed, to write “against the colonial archive” (p. 38).

The guiding voice of a female relation, a matriarch, is also at work behind revelations of the long-term costs of allotment in the chapter offered by Nick Estes; it was his great-grandmother who was the writing hand behind letters of testimony by his grandfather, Lower Brule tribal chairman, at the time of the push for hydroelectric dam development at the expense of regional tribal sovereignty. This is a well-known history but here, too, another key theme of *Allotment Stories* is brought forward along an unprecedented path via poignant family history: the *mobility* of families as a key response, families severed by the very policy intended to contain them in a “civilizing manner,” on limited land bases. Estes offers an astute analysis of allotment’s mechanism, in a paragraph so pointed in summary and clarity, it is almost a shame it is several paragraphs into the fourth chapter; it might be the most incisive of the volume. Allotment, and the administration of Native lands in trust subject to it, was “enigmatic in practice and disastrous in outcome” ... it was an “arithmetic of dispossession” (p. 49). Estes takes us through the deep context of the process whereby generations of shared interests in land parcels—“fractionated interests”—leads to their effective devaluation, leading owners of allotment interests to leave and move elsewhere, returning only to find kin whose connection is shared principally via their names on abstract government-issued documents.

Estes calls these unexpected outcomes the “paradox” of allotment, where the vast majority migrated away, and “made simply living with the land mercurial and near impossible. It also facilitated cultural assimilation, and an attempted cultural annihilation of our rightful relations with the land” (p. 53). While these mechanics of dispossession have been detailed in many other volumes, to be sure, the revelation that allotment policy did not “settle” Indians, it principally *unsettled* them, is a worthy analysis to bear forward.

With Sheryl Lightfoot’s offering, we get the sense that the editors of *Allotment Stories* had a very strategic order in mind for these chapters, and it proves effective with such a complex history; from the family stories of allotment-generated migration and alienation, we learn why the retention of land rights via even fractionated, “useless” ties to reservation lands are still meaningful ones. “These ties to our original homelands,” Lightfoot writes, “while never netting much of any financial return, often held deep emotional significance ... a tangible, legal tie to our homelands and to our ancestors” (p. 57). Yet again, a family story shows the kinship-centered grief the government has created through the latest post-allotment policy, the Land Buy-Back program that was a portion of the 2009 Cobell Settlement. While of course part of a restitution-oriented program in the wake of Cobell’s successful suit evidencing gross mismanagement of Indian trust funds—in particular those of allotment interests, which are of so much focus here—Lightfoot finds that opinions within families vary widely on the likelihood of the policy being conducted in good faith. As for her analysis, she affirms that “fractionation has been one of the largest barriers to self-determination and economic development,” and seems relatively favorably disposed to the policy’s directions thus far, and toward which she provides some convincing and surprising statistics: that just since 2013, for instance, there has been a nearly one-quarter reduction in the total amount of fractionated Indian lands, lands that are now returned to sovereign control by the respective tribe.

Part 2 of *Allotment Stories*, “Racial and Gender Taxonomies,” does not leave behind the importance of kinship nor even the importance of family in the absorption of pressures resulting from the policy’s follow-through periods, but rather expands and focuses with studies of how the impacts of its legacy can be read through a gendered lens of analysis; or, as the header suggests, the often *inseparable* locus of gender and racial biases. Chapters here focus on the additional complexities of interfamilial relations—in particular in mixed-race lineages—in communities such as the Dakotas and Canadian Metis; and one, from Susan Gray, looks at “the way in which Anishinaabe women’s responsibility for farming and sugaring linked Indigenous ownership of property in land—a *sine qua non* of ‘civilization’—with the perpetuation of the seasonal round” (p. 124). A seasonal round is illuminated in some detail by Gray, where the women’s domains of gathering, farming, and sugaring were the actual activities deployed on their allotments (often even before they were confirmed), and thus turns our expectations for the usual “civilizing” agricultural pursuits on its head. Gray’s history shows that this worked for a while, alongside the adoption of wage labor and regional labor modes, but in the end, traditional modes of use by Anishinaabe involving allotments as only a point on a system of resource use across the landscape, was caught out by the system of “white determination to eliminate them” from the region (p. 124).

In part 3 of *Allotment Stories*, “Privatization as State Violence,” things could be said to get thick with the mechanical details of policies that for many—even those with some fluency in US continental allotment history—will be new and edifying; a worthwhile, though certainly more attention-demanding interlude within this text. For example, J. Kehaulani Kauanui makes a nearly impenetrable system of land titling possibilities in the Hawaiian late-kingdom period more understandable, in particular by laying it out alongside an overview of the traditional Hawaiian land tenure system, which alone would be a fascinating tutorial. But by laying it out alongside the noteworthy and trending story of Mark Zuckerberg’s interventions surrounding his property on the Isle of Kauai, Kauanui is able to affirm that even amid such conflicts, for Native Hawaiians, “land is a birthright, not property.” And for readers of *Allotment Stories*, startling analogues can be made to continental allotted Native territories elsewhere, where the diminished (on paper) titles in severalty through generations—known in Hawaiian as *kuleana*—is a “deep Hawaiian principle, a robust combination of privilege and responsibility” (p. 177), and echoes the complexities of responses to threats of land alienation discussed by Lightfoot and Estes, and others.

Part 4 of *Allotment Stories*, “Resistance and Resurgence,” generally concerns itself with efforts of Indigenous communities internationally to identify strategies to undermine the dispossessive thrust of privatization efforts locally and as a result of major policy initiatives. Yet, one chapter here is worth commentary, as it deals with a single labor market story—that of hops—that generated its own set of conditions for northern Native communities in California in the post-unratified treaty period, and which stands much of the other offerings of resistance in the section against it, but which makes for a most intriguing narrative of Native leadership by adaptive resilience, through their own model of land acquisition and ownership. Taking matters in their own hands, Pomo leaders sought out land and established hops crops where *they* could negotiate the terms of their communal labor to their benefit, and also over time, to garner land titles that were held, in some aspect, also in common, giving form to the *rancheria* of Native land tenure unique to the region. Thus the “desire to accumulate property” that is a primary motive for allotment policy, here is upended by leaders who still yet saw the collective as the future beneficiary. Yet they did this by generally following the rules set out by the state under the treacherously legislated Act of 1850 and later clarifications to the expected rights of

Indians in California, so the case study is singular for a kind of economic resistance through subversive accommodation, and clearly one to be recalled, as are many of the offerings in *Allotment Stories*.

Overall, the editors of *Allotment Stories* promised a “conversation” of “insights, cautions, and inspiration to those committed to strengthening Indigenous peoples’ collective rights” (p. xix), and anyone interested in the many related issues of sovereignty, social and environmental justice, kinship, and certainly legal doctrine, should partake of the notably engaging forum created here in *Allotment Stories*, and join in.

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