

3-24-2015

# The Modern State and the Re-Creation of the Indigenous Other: The Case of the Authentic Sámi in Sweden and the White Man's Indian in the United States of America.

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

THE MODERN STATE AND THE RE-CREATION OF THE INDIGENOUS OTHER:  
THE CASE OF THE AUTHENTIC SÁMI IN SWEDEN AND THE WHITE MAN'S  
INDIAN IN THE UNITED STATES OF AMERICA

A dissertation submitted in partial fulfillment of the

requirement for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICAL SCIENCE

by

Luca Zini

2015

To: Dean Michael R. Heithaus  
College of Arts and Sciences

This dissertation, written by Luca Zini, and entitled *The Modern State and the Re-Creation of the Indigenous Other: The Case of the Authentic Sámi in Sweden and the White Man's Indian in the United States of America*, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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John F. Stack, Major Professor

Date of Defense: March 24, 2015

The dissertation of Luca Zini is approved.

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Dean Lakshmi N. Reddi  
University Graduate School

Florida International University, 2015

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## DEDICATION

I dedicate this dissertation in loving memory of my mother, Rita. To my wife, Aránzazu, I will forever be grateful for all the support and companionship you have shown through the years. Finally, to my children, you must never acquiesce.

## ACKNOWLEDGMENTS

I would like to express my deepest appreciation to my committee chair, Dr. John F. Stack for all his unwavering patience and dedication to my success. Dr. Stack has been a mentor and an inspiration throughout my doctoral studies. Without his support, encouragement, and advice, this journey, from beginning to end, would not have been possible.

I also wish to thank the rest of the committee members for their guidance through the theoretical puzzle, and for dedicating countless hours to help me in my research and in the writing of this dissertation. Although we often did not share conceptual frameworks, their receptive disposition allowed for constructive comments and suggestions, which made for an important difference in the overall outcome of this research.

In addition, I would like to extend a special thank you to Dr. Ronald Cox, Dr. Clement Fatovic, and Dr. Sarah Poggione from whom I have learned the rigor and tenacity to challenge the norm and look beyond the obvious. The experience in their classes has enriched me academically and personally.

Finally, a substantial part of my research was supported by the School of International and Public Affairs, at Florida International University, which funded my travel expenses to Sweden in the summer of 2012. I wish to express my gratitude for the generosity.

ABSTRACT OF THE DISSERTATION

THE MODERN STATE AND THE RE-CREATION OF THE INDIGENOUS OTHER:  
THE CASE OF THE AUTHENTIC SÁMI IN SWEDEN AND THE WHITE MAN'S  
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by

Luca Zini

Florida International University, 2015

Miami, Florida

Professor John F. Stack, Major Professor

The present study comparatively examined the socio-political and economic transformation of the indigenous Sámi in Sweden and the Indian American in the United States of America occurring first as a consequence of colonization and later as a product of interaction with the modern territorial and industrial state, from approximately 1500 to 1900.

The first colonial encounters of the Europeans with these autochthonous populations ultimately created an imagery of the exotic Other and of the noble savage. Despite these disparaging representations, the cross-cultural settings in which these interactions took place also produced the hybrid communities and syncretic life that allowed levels of cultural accommodation, autonomous space, and indigenous agency to emerge. By the nineteenth century, however, the modern territorial and industrial state rearranges the dynamics and reaches of power across a redefined territorial sovereign space, consequently, remapping belongingness and identity. In this context, the status of indigenous peoples, as in the case of Sámi and of Indian Americans, began to change at

par with industrialization and with modernity. At this point in time, indigenous populations became a hindrance to be dealt with the legal re-codification of Indigenes into a vacuumed limbo of disenfranchisement. It is, thus, the modern territorial and industrial state that re-creates the exotic into an indigenous Other.

The present research showed how the initial interaction between indigenous and Europeans changed with the emergence of the modern state, demonstrating that the nineteenth century, with its fundamental impulses of industrialism and modernity, not only excluded and marginalized indigenous populations because they were considered unfit to join modern society, it also re-conceptualized indigenous identity into a constructed authenticity.



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## CHAPTER ONE: INTRODUCTION

The history of indigenous peoples, as we understand it, begins with the history of European exploration, settlement, and colonization. The events that brought the white man to the shores, or territorial boundaries, of these new lands transformed the inhabitants into natives, into tribes with new proper names, into *noble* and *ignoble savages*, and eventually into *indigenous Others*.<sup>1</sup> Prior to these events the populations that inhabited these lands did not see themselves as Indios, Natives, Aborigines, Indigenous, and not even as Lapps, Olmec, Pueblo Indians, or Coeur d'Alene Indians. Their realities were not touched by such categorizations and limitations.

These social constructions, write Augie Fleras and Jean Leonard Elliott, “appears to be a White man’s creation of convenience for talking about Indians, negotiating with them, administering them ... Thus tribes are largely the result of the colonization process and relations with politically organized states [For instance] from 1797 through 1803 the treaties use only ‘nation’ without reference to ‘tribes’. Thereafter, until at least the 1830s, ‘tribe’ and ‘nation’ are used interchangeably, often in the same treaty.”<sup>2</sup> Such concepts

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<sup>1</sup> Carina Green adds, “Furthermore, the idea of the Indigenous taps in to a long standing pattern of thought that has been, and still is, very common in Western society and that in many ways is parallel to the idea of the Noble Savage. Simply put, there seem to be a need for the exotic Other in the Western mind, and today this thought feeds above all from the idea of the Indigenous.” (Carina Green, *Indigeniety – Idea and Political Reality* (In Sköld, Peter (Ed.). *Människor i norr: samisk forskning på nya vägar*. Centrum för samisk forskning – Miscellaneous publications, Umeå: Umeå University, 2008, No. 11), 29).

<sup>2</sup> Augie Fleras and Jean Leonard Elliott, *The “Nations Within”: Aboriginal-State Relations in Canada, the United States, and New Zealand* (Toronto: Oxford University Press, 1992), 130-131.

are “political ideas that arise from the underlying economic and political structures.”<sup>3</sup> It is this “dynamic interplay” of economic and political structures, played out within the confines of modernity, that changes the attitudes of the emerging modern industrial state towards indigenous peoples.

Following the first encounters the autochthons’ sense of self and identity is repositioned, as did the white man’s. In the course of these interactions, cohabitation, and competition the genesis of the indigenous peoples begins. The experiences, histories, and identities of indigenous peoples are re-written on the basis of the white man’s “idea, invention, and perpetuation;” an image that consciously or unconsciously fulfilled a purpose.<sup>4</sup> Consequently, the legitimation of centuries of human and territorial ostracization blends exclusion and marginalization into habitual mental processes of perception, memory, and judgment.

In this context of interactions, cohabitation, and competition, the state becomes the focus. The unfolding of the modern state broadly changes the power structures and postulates a sense of belongingness and identity based on the modern nation, sovereignty, legitimacy, and territoriality. It is the modern *industrial* state, however, that completes the “metamorphosis” and turns the *indigenous* into an invented *Other*. Industrialization, mixed with modernity, forces the state to break from tradition and becomes the epitomical antithesis of the uncivilized savage; meaning, in opposition to the *Other* or

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<sup>3</sup> Fleras and Elliott, *The “Nations Within”*, x-xi.

<sup>4</sup> Robert F. Berkhofer, *The White Man’s Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf, 1978), 29. Similarly, the notion of the “Wild West” seen as a construction, or invention, crafted out of an almost mythological perception of the western frontier. See Bridger, Bobby. *Buffalo Bill and Sitting Bull: Inventing the Wild West*. Austin: University of Texas Press, 2002.

what it considers extraneous to itself. The indigenous, at this point, is pulled out from its autonomous space and re-created into a white man's creation. In the course of these transformations, indigenous identity is altered and at times its connection to primordial ties of kinship and ancestral lands vanishes into a nebulous stasis, not fully belonging to either modern or autochthonous worlds. Indigenous peoples, and indigenous identity, become thus products of a process that began with European colonization and reached its peak with the consolidation of the modern industrial state in the nineteenth century.

The nineteenth century brings two paradigmatic changes, industrialism and modernity. Industrialism changes the economic means of production, capital accumulation, and exchanges. Modernity, on the other hand, calls for the eradication of tradition, and the politics, space, and the fabric of societies are transformed. In this new environment those outside the modern state-project, like indigenous people, are assimilated from the margins into mainstream society, resulting in their dislocation into an unfamiliar landscape. Through the long and arduous journey from "discovery" to modernity indigenous identity changed and adapted to these new socio-political and economic environments, which would eventually result in centuries of despaired subjugation. Consequently, indigenous peoples were now seen askew within that same project, and could no longer be precluded to nature's landscape nor allowed to hinder the "manifest destiny" of the nation-state. Indigenous peoples had to either be eliminated or assimilated into the greater society.

The modern territorial state becomes pivotal in this assimilation and it re-creates and restructures the dynamics and reaches of power across the newly redefined territorial sovereign space. During the pre-modern and also colonial periods unclaimed or

autonomous spaces were often the results of diffused power or the lack of reach of the central government. These spaces were often overlooked or tolerated where groups like indigenous peoples could live at the margins. These encounters, between the state or colonial governments and native populations were, by-and-large, characterized by mutual indifference, cross-cultural cohabitation, or a reluctant symbiotic relationship.

Deborah J. Yashar's defines autonomous space as: "Relatively unmonitored local spaces were created where indigenous people could sustain their local indigenous identities and forms of governance. So too they gained ... mechanisms to access the state and its resources. As such, many indigenous communities survived and grew beyond the de facto reach of the state."<sup>5</sup> Richard White also contends that colonial rule, created more limited forms of governance, allowing for a degree of "accommodation and common meanings" to exist.<sup>6</sup> For Greg Poelzer the emergence of the modern state drastically changed indigenous political life. Under absolutist and colonial regimes, indigenous peoples could occupy these autonomous spaces and coexist as political communities. For instance, writes Poelzer:

In contrast to colonial and absolutist regimes, the modern state has taken exceptional measures – intentional and unintentional – to destroy indigenous ways of life ... Colonial and absolutist states, moreover, pursued a paternalistic policy of protecting indigenous peoples from the increasingly dominant European settlers. In Russia, for example, the 'yasak people' were to be 'protected from Russian 'thievery' (violation of the tsar's decrees) and corrupting vices.'<sup>7</sup>

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<sup>5</sup> Deborah J. Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge: Cambridge University Press, 2005), 60.

<sup>6</sup> Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge: Cambridge University Press, 1991), x.

<sup>7</sup> Greg Poelzer, "Politics of the Indigenous in Canada and Russia: The Struggle for Native Self-Government Compared," *The Northern Review* No. 15 (1995): 83, 94. Poelzer adds, "aboriginal peoples largely remained self-determining. In fact, during the century prior to modern state-building ... indigenous

Poelzer's argument that "indigenous peoples could coexist as autonomous, political communities" should be understood in terms of power and autonomy. In the case of power, in absolutist and colonial regimes power distribution and exertion came with limitations. For instance, under these conditions the nobility often attempted to limit or curtail the power of the king, or geographical and logistic limitations prevented the full reach of governmental power over and across colonial possessions. With the advent of modernity and the modern state, power was monopolized through a central and autonomous bureaucracy and therefore its distribution and exertion was more uniform and far reaching. In the case of autonomy, the hierarchical structure of absolutist and colonial regimes allowed for the creation of autonomous spaces where indigenous peoples could pursue independent identities, and in some instances, independent forms of governance. Compared to absolutist and colonial regimes, argues Poelzer, modern states were more centralized, bureaucratic and autonomously powerful and "possessed a universalizing political logic" that transformed the territorial, spiritual, cultural, and subsistence realities of indigenous peoples.<sup>8</sup>

Since first contact indigenous people suffered the "Loss of population, loss of territoriality, extensive intermarriages, and the creation of multiple ties of actual and symbolic kinship between neighboring peoples heavily modified actual [native]

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peoples in Canada were entirely self-determining: 'in the period in which the British imperial government was responsible for Indian Affairs, from 1763 to 1860 when that responsibility was transferred to the government of the United Canadas, Indian tribes were de facto, self-[determining].'" (Ibid., 95-96). Similar in Sweden the Sámi were protected through royal decree and in the early years of United States policies were enforced to protect the natives' ways of life from white infiltration.

<sup>8</sup> Greg Poelzer, "Politics of the Indigenous," 96.

organization.”<sup>9</sup> These changes, coupled with the gradual loss of hybridity, and the power of the native to steer the white man’s actions led, writes White, to “the breakdown of accommodation and common meanings [resulted in] the re-creation of the Indians as aliens, as exotic, as other.”<sup>10</sup>

Yet, transformations and constructions rarely happen in a vacuum. On the contrary, a series of multidirectional dialogical dynamics, understood using Karl Polanyi’s *double movement*, occurred in cross-cultural settings and, as Russell explained:

produced boundaries and frontiers. These are spaces, both physical and intellectual, which are never neutrally positioned, but are assertive, contested and dialogical. Boundaries and frontiers are sometimes negotiated, sometimes violent and often are structured by convention and protocol that are not immediately obvious to those standing on either one side or the other.<sup>11</sup>

Understanding the current status of indigenous people is to understand the production, mitigation, and interconnectedness of these boundaries and frontiers, which have shaped state-indigenous relations in a “double-ended process.” It is the end of this “double movement” that leads to the re-creation of the *indigenous Other*.

### Purpose and Significance of the Study

Conventional research on indigenous peoples has, for decades, greatly enriched our knowledge and understanding of the conditions and generational struggles that have

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<sup>9</sup> Richard White, *The Middle Ground*, 18.

<sup>10</sup> Richard White, *The Middle Ground*, x.

<sup>11</sup> The term dialogical is taken from Charles Taylor meaning “We define our identity always in a dialogue with, sometimes in struggle against, the things our significant others want to see in us ... the conversation with them continues within us as long as we live.” (Charles Taylor and Amy Gutmann, *Multiculturalism: Examining the Politics of Recognition* (Princeton, N.J.: Princeton University Press, 1994), 32-33); Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston, MA: Beacon Press, 2001), 136; Lynette Russell, *Colonial Frontiers: Indigenous-European Encounters in Settler Societies* (Manchester: Manchester University Press, 2001), 1.



characterized indigenous histories around the world. Although valuable in its own right, this existing research has seldom looked at the state, in particular the modern and industrial state, and at the processes through which the *indigenous* was created, and later re-created to fit into a state's meaning and design.

The theoretical significance of the present study looks into whether the exclusion and marginalization of indigenous peoples is only about race, ethnicity, and schisms of subordinated worth and values, or whether exclusion and marginalization must be re-conceptualized within the emergence of the modern state, industrialism, and modernity. In other words, by investigating the processes of modern state functions, especially that of the modern industrial state, it would be possible to outline the role of the state in re-mapping indigenous territoriality, space, and identity. Consequently, what will become clearer are the processes that led to the re-creation of indigenous "otherness" and the mechanisms through which the indigenous was catapulted into a socio-political and economic limbo.

#### Research Questions and Theory

The present research attempts to address the following question: what changes did the modern era bring to the structure, power, sovereignty, intention, and discourses of the state that altered indigenous space and identity and in the process re-created *indigenous Otherness*?

It is theorized that the emergence of the modern state, and in particular the modern industrial state, altered the levels and extent of interaction between the state and indigenous communities. Here, the ensuing dialogical processes were dictated by

transformed structures, newfound power, and a higher state's purpose, which in turn altered *indigenous Otherness*, including indigenous space and identity. More specifically, the unfolding of the modern state broadly postulates a *raison d'état* focused on nation, sovereignty, legitimacy, and territoriality, which is in direct opposition to a *raison indigène*, or indigenous *raison d'être*. Consequently, indigenous identity is understood as an antithesis to state identity and indigenous space becomes incongruous within the frameworks of the new state. Indigenous peoples thus become a problem to be dealt with through the codification of *Indigeness* into a vacuumed limbo of disenfranchisement.

It is also further theorized that the end of a preexisting bi-directional and reciprocal dialogical process, or using Karl Polanyi's principle of *double movement*, and therefore of hybridity deprives the indigenous the "power to force whites onto the middle ground," and allows for the re-creation of the *indigenous Other*. At this point, the indigenous is re-mapped to fit into the wider state's project.<sup>12</sup>

#### Limitations, Delimitations, and Methodology

It is not the purpose of this dissertation to provide an exhaustive and complete ethnological history of indigenous peoples in Sweden, Scandinavia, or in North America. My approach has been deliberately selective and my design is intended to provide a glimpse to a very complex, and relatively unexplored, body of research. In short, it is aimed at sparking a conversation into further and more multifaceted look into the role of exogenous forces like state-projects, capitalism, economics, settler's societies, and frontiersmen's colonialism.

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<sup>12</sup> Richard White, *The Middle Ground*, xv.

### *Limitations and Delimitations*

The limitations of this study are dictated by its purpose. Special focus will be given to modern state formation, its interactions with indigenous populations, and the ensuing changes brought upon the latter. Therefore, this study will not delve into the normative conceptualization of the evolution of the modern state, what constitutes identity, indigenous or otherwise, nor is this study focusing on the indigenous plight or providing a “forum for indigenous voices.” These, and other similar topics, may be dealt tangentially during the course of this study and should not be taken as the main focus of the research.

Supportive examples are drawn from Sweden and the United States of America, with their respective indigenous populations covering approximately between the fifteenth through the nineteenth centuries. Particular attention, however, will be given to the nineteenth century. The reasons for choosing these two seemingly incoherent examples were to show that despite clear differences in the process of state formation, power consolidation, and regime-type, there are undisputable underlying similarities of comparative value in the experiences, interactions, and handling of indigenous populations. Both countries can be categorized as having similar state infrastructures and can both be described as bureaucratic constitutionalism.<sup>13</sup> Finally, both countries share

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<sup>13</sup> See Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*, for a discussion on the categorization of state infrastructures and political regimes in early modern Europe, including Scandinavia. Ertman, defines “bureaucratic constitutionalism” as a system characterized by the emergence of a state infrastructure dominated by expert personnel (or administrators) and by a political regime constituted by national representative bodies or assemblies, such as parliaments or similar assemblies (Thomas Ertman, *Birth of the Leviathan*, 10, 25, 27, 29).

similar outcomes where each state re-creates the *indigenous Other* to fit into its larger state-project.

Another reason for deciding to compare Sweden and the United States is because of the interest in comparing the United States with a non-English (meaning not Spanish or French), western colonial power with a domestic indigenous population. In Europe, the only feasible option was Scandinavia with its native Sámi populations. The Sámi were thus chosen because of their unique status in Europe, being the only viable indigenous population in Western Europe. In other words, despite the existence of other indigenous populations in some parts of Russia (including a small Sámi population in the Kola Peninsula) the Sámi remain the only indigenous group currently occupying a number of western European countries (Norway, Sweden, and Finland).

Among these three options, Sweden made for the best candidate because of its extensive experience as a colonial power compared to Denmark-Norway, while Finland, having been a dominion of first Sweden and then Imperial Russia, could not be used within the same periodization. In addition, Sweden was the obvious choice because having lived in Sweden for more than a decade my knowledge of Swedish gave me access to materials, which would otherwise be difficult to study.

In the case of the United States of America, this country was chosen in part out of curiosity and in part because of the easily available source materials and local expertise. One point worth mentioning here, which is further developed and explained in the second chapter, is that Native populations in the United States were intentionally generalized under the umbrella of Indians, or Indian Americans, despite the presence of distinctive groups with specific historical, cultural, ethnic, and linguistic difference and experiences.

The reason behind this choice was that the modern state ultimately lumps them together as one *indigenous Other* seldom differentiating between them in its discursive conceptualization of Indians, Native Americans, or savages.

### *Design and Instrumentation*

In the present study, the level and unit of analysis is the modern state and the mechanisms through which its process of formation, growth, and transformation, shaped and determined current indigenous realities with particular focus on the dialogical discourses that re-created indigenous space and identity.

The nature of the study calls for a qualitative research method meant to evaluate existing literature and historical records, for the purpose of discovering underlying meanings and patterns of modern state formation and dialogical discourses and processes among the state and indigenous peoples. Following the example of Gunlög Fur, I have adopted “a methodology of reading anomalies in the materials as windows into the workings” of the state and state apparatuses.<sup>14</sup> To achieve this goal, a historical research design is used to collect, evaluate, synthesize, analyze, and interpret relevant primary and secondary source materials where, through inductive logical reasoning, conclusions are formulated to build the theoretical foundations of the study.

### *Data Collection and Analysis*

The extent of data gathering was limited to specific sets of materials taken from a variety of sources that helped tracing a historical reconstruction of the processes defining the

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<sup>14</sup> Gunlög Fur, *Colonialism in the Margins: Cultural Encounters in New Sweden and Lapland* (Leiden: Brill, 2006), 13.

evolution of the modern state and its relation to indigenous space and identity primarily by means of textual analysis. Research was conducted through the local university library catalog, other regional libraries, and the Library of Congress. Extensive research on the Sámi, however, was conducted in the summer of 2012 at the *Kungliga biblioteket*, or the National Library of Sweden, in Stockholm.<sup>15</sup>

#### Note on the Literature

The existing seminal, and multidisciplinary, literature on indigenous peoples have greatly enriched our knowledge and understanding of the conditions and generational struggles that have characterized indigenous histories since the beginning of European Exploration. In the course of my research, however, which began years before the start of this dissertation, I noticed a distinctive and pervasive quality in the literature, one that would assert the victimization of the indigenous peoples and vilification of the white man and his state apparatuses, seen above all, as tools of subjugation.

In its stead, what became more stimulating and intriguing for me was to look for i) the systematic series of actions and mental processes that created the *exotic Other*, and thus the indigenous, and ii) the mechanisms responsible for the re-creation of the indigenous into an *indigenous Other*. The focus of the present study is on the latter though because, on the one hand, it helps clarify the mechanisms of transformation, and in turn understand, the conditions that led the indigenous into a socio-political, cultural, and economic limbo. On the other hand, looking at the process of re-creation helps to

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<sup>15</sup> The National Library has been collecting and preserving all domestic printed and audio-visual materials since 1661.

identify the state as an agent, which is often overlooked from the analysis. In fact, the role played by the state, and the degree of involvement of the state in re-creating the *indigenous Other*, offers new analytical avenues in the study of indigenous populations.

The state, or more accurately, the *raison d'état*, became the focus of this study. First, focusing on the state gave me the opportunity to avoid the analytical monotony found in other works, and afforded me the opportunity of a fresh look at the historiographical tradition of indigenous studies. Second, looking at the *state* posed a series of analytical challenges worth pursuing. For instance, what sort of *state* was responsible for these transformations? What conditions were necessary for the state to push for such transformations to take place?

A few of the works used in the present study have dealt with the state and its relations to indigenous peoples. For instance, we have important seminal work being performed by Bertil Bengtsson, Duane Champagne et al., Augie Fleras and Jean Leonard Elliott, Gunlög Fur, Gertrude Hanes, Bradley Reed Howard, Lennart Lundmark, David Maybury-Lewis, Greg Poelzer, Steinar Pedersen Richard John Perry, and Rudolph C. Rýser. Perhaps aside from Poelzer, and to a certain extent Champagne et al. and Howard, the exposition of the state, in particular of the modern industrial state, as a “conceptual variable” is largely absent. Instead, the most common elements emerging from these works fall into the typical culprit-victims dichotomization of the state-indigenous relations. More specifically, these authors approached the topic from a victimization perspective. Indigenous peoples were taken as victims and indigenous peoples’ struggles against state’s actions, and non-actions, were the centerpiece. In addition, these authors tended to focus on the effects rather than the processes and mechanisms that shaped and

reshaped indigenous peoples. Ultimately, the literature fell short of providing the analytical prowess to deal with the state. For instance, how are we to understand what made the state systematically to subjugate, marginalize, and eradicate indigenous populations? At what point and under which circumstances did indigenous people enter into the visual focus of the state, hence requiring a state's reaction that would forever change their "status" and future? Consequentially, what is making indigenous peoples different from other minorities? Why have the latter managed to gain recognition, political space, and political capital in relation to the state, while many indigenous groups have made limited gains? The answers to these questions, I believe, cannot be found in the consequences; rather, they need to be sought in the processes.

The conceptual nature of this study required the conceptualization of several complex, and often dynamic, abstractions. Chapter two is dedicated exclusively to conceptualize these abstractions. For the conceptualization of this chapter I made use of literature that dealt with the concept at hand. It is important to note, though, that chapter two does not survey or evaluate the existing literature on the concepts used. The works cited were essentially used as lexical resources from which these conceptualizations were extrapolated.

Conclusively, the nature of the literature and the way it was employed made a typical, or conventional, "Literature Review" impractical. This being said, however, does not mean that the dissertation does not survey and evaluate existing seminal works within the field of indigenous studies. On the contrary, this exercise is infused in the dissertation.



## Organization of the Dissertation

The organization of this dissertation was governed by the scope and design of the research. Therefore, the conceptual nature of the study determined the sequence of the chapters, ultimately to allow the reader to assimilate the several abstractions used throughout the dissertation before entering into the magnitude of the study *per se*. Chapter One covers the preliminaries and introduces the topic of the research, its significance, goals and limitations. Chapter Two, on the other hand, establishes the conceptual framework of the research and comprises a large portion of the study. The decision to dedicate an entire chapter to the examination of ideas and abstractions was dictated by the number of complex, and extensive, concepts used in this study, in an attempt to give validity to my theoretical postulations.

Chapter Three looks at the experiences of Sweden and the United States in their handling of indigenous populations. This chapter has several functions. First, the chapter is meant to provide the historical background of the sample countries. Second, this chapter is meant to give ample room to the extrapolation of state-led processes and mechanisms. Third, it is meant to present illustrations denoting the creation and re-creation of the *indigenous Other*.

Chapter Four has two functions. First, this chapter is meant to engage the reader in a theoretical discussion, analyzing the research questions and summarizing the central points of the dissertation. Second, the chapter will also function as the analytical conclusion of the dissertation. Finally, Chapter Five represents a sort of “holistic” conclusion to this dissertation where I *briefly* consider devolution of native lands, decentralization of native affairs, and progress in indigenous research. In this section, I

argue that, overall, indigenous peoples are better off today than they have been previously. My contention is that although progress has occurred, much still needs to be done not only within government bureaucracies, but also in the academia. Therefore, in this chapter I will explore possible implications and future research.

## CHAPTER TWO: CONCEPTUALIZATIONS

The purpose here is not to list sets of definitions because to define is to limit the malleability of analysis, especially in a study such as this where the analytical boundaries require a good amount of elasticity. This chapter, on the other hand, is meant to provide ample room to the *conceptualization* of ideas, where through the comprehension of mechanisms and processes, concepts are formed thus resulting in the formulation of general ideas or notions.

### Sweden – The Sámi

In Europe, the Sámi are the largest indigenous group with an estimated population between 80,000 – 100,000 spread over four countries: approximately 20,000 – 40,000 in Sweden, 50,000 - 65,000 in Norway, about 8,000 in Finland, and about 2,000 in Russia (predominantly populating the Kola Peninsula; see Figure 1).<sup>16</sup>

Archeologists and anthropologists have had some difficulties identifying the origins of the Sámi people and the period of their arrival and their settlement of northern

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<sup>16</sup> Swedish Institute, Fact about Sweden; Sami in Sweden: Ancient people at home in the Arctic; August 2011. These numbers are approximations and have not largely been confirmed by any sound census. For instance, the number of Sámi living in Sweden has been estimated at 20,000 based on a census that dates back to 1975. Researchers like Peter Sköld, professor and director of the Center for Sámi Research at Umeå University (Centrum för samisk forskning – Cesam), however, believe that the number is outdated and fail to include not only plausible population shift but also undocumented group members in which case we should be looking at approximately 70,000 Sámi living in Sweden alone. If this is the case, then, we are to assume that the total estimated number of Sámi in Sápmi could reach between 130,000-145,000. It goes without saying that these statistics could be much higher. Information taken from the Sámi Information Centre, “Antalet samer i Sápmi,” <http://www.samer.se/1536>, and “Hur många samer finns det egentligen?” <http://www.samer.se/4075> (accessed June 15, 2014).



Europe. Carbon dating points to the late Neolithic period (9,000 – 7,000 BCE), which was characterized by mass migrations and the beginning of sedentary life and the domestication of animals and crops. Historically, and traditionally, the Sámi livelihood has been set apart by a nomadic existence dependent on hunting, fishing, and reindeer herding; with traces of agricultural activities.

Anthropological and genetic research into the origin of the Sámi has demonstrated that their origin is not unique and is difficult to pinpoint with accuracy. Beckman, who has conducted one of the most extensive researches on the subject, argues, “The origin of the Lapps remains a mystery which has given rise to many speculations. One theory is that they are of Mongolian-Asiatic descent and another that they represent a remnant of an ancient Westeuropean [*sic*] stock ... As a third explanation the theory has been discussed that the Lapps represent the descendants of a population that has survived the glacial period on the coastal area of North Scandinavia.”<sup>18</sup> Beckman’s studies have shown that Sámi gene-frequency sometimes shows similarities with European populations, sometimes with Asian-Mongoloid populations, and sometimes with unknown populations. He also found that twenty percent of Finnish share genetic similarities with the Sámi. Higher frequencies of Sámi that represent all the three Sámi

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<sup>18</sup> Lars Beckman, “On the Anthropology of the Swedish Lapp,” *Studia Ethnographica Upsaliensia* No. 21 (1964): 35. Beckman adds “Leaving aside the very difficult question of the original Lapp population one may say that since the Lapps in all probability have existed for a long time in North Scandinavia and the Kola peninsula, they should have intermixed to some degree with North Asiatic people. Consequently we may expect evidence for the existence of Asiatic influence in the Lapps, but this would not allow the conclusion that the Lapps are mainly of Mongolian descent.” (Ibid., 43).

gene-markers are mostly present in the northern territories or Jukkasjärvi and Karesuando.<sup>19</sup>

The first accounts of Sámi presence in the Nordic countries have been recorded since Roman times. By the turn of the first millennium of the current era accounts of Sámi-Viking trade relations have also been recorded in Icelandic sagas, and in the twelfth century the Arab historian Muhammad al-Idrisi, while visiting Finland, recorded the encounters with what seems to have been Sámi people. It was not, however, until the sixteenth and seventeenth centuries that the first written accounts of Sámi's manners begin to appear.

Modern, or enlightened, accounts of the Sámi in the sixteenth, seventeenth, and eighteenth centuries rewrote much of the historical narratives of the Sámi; redefining their existence as exotic, pagan, uncivilized, and as romanticized beings. Some of the most prominent accounts, which eventually provided the language and scope of state's action, are found in *Historia de Gentibus Septentrionalibus* (written by Olaus Magnus published in Latin in 1555), *Relatio tentatae missionis Lappicae anno 1659 et 1660* (written by Körningh, Johannes Ferdinand and published in Latin in 1660), *Lapponia* (written by Schefferus Johannes and published in Latin in 1673), and *Iter Lapponicum Dei gratia institutum* (written by Swedish botanist, physician, and zoologist Carl Linnaeus (Carl von Linné), in 1732).<sup>20</sup>

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<sup>19</sup> Lars Beckman, "Genetiska studier av svenska samer," *Thule* (1989): 53, 56, 57, and 58.

<sup>20</sup> These narratives were often based on second hand accounts and fictitious writing: "Schefferus's *Lapland* monograph is the first comprehensive depiction of the Sámi people. But in contrast to many other topographic and ethnographic descriptions of the early modern era, the thirty-five chapters of *Lapponia* are built upon a number of contemporary reports, which were forwarded to the author by clergymen living in

A look into these accounts show for instance that Olaus Magnus placed a lot of emphasis on notions such as the “Realm of the Cold,” and his book had a profound effect on the perception of the Sámi as beings in possession of magical powers, of practicing a pagan religion, and of worshipping the devil: “Olaus Magnus’s great opus ... records several features of the religion of the Lapps, such as adoration of the sun and moon, some magical techniques, and aspects of shamanism.”<sup>21</sup> The German-Swedish theologian and catholic priest Johannes Ferdinand Körningh in his 1660 travel journal writes that the Sámi are characteristically “short, peaceful, and mild ... with hardly any quarrels and brawls ... missing all warlike disposition ... with short hair and beardless.”<sup>22</sup> While Linnaeus in his travel journal described the “people, flora, and fauna [of Lapland] under the streak,” blending the Sámi together with the natural landscape as to insinuate no taxonomic difference in ranking the human and animal inhabitants of the northern territories.<sup>23</sup>

The view and exoticization of the Sámi in Sweden proper was primarily derived from these accounts, or “similar ‘construction’ of images and conceptions ... found in the

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Swedish *Lapland*. These letters were known as ‘clergy correspondence’. The chapters cover topics as various as Sámi extraction, language, dwelling-places, clothing, handiwork, gender roles, hunting, child raising, pagan religion and additional chapters on metals, flora and animal life in northern Sweden.” Northern Lights Routes, an organization sponsored by the Council of Europe Cultural Routes and the University of Tromsø, in Norway, <http://www.ub.uit.no/northernlights/eng/schefferus.htm> (accessed July 19, 2014).

<sup>21</sup> Åke Hultkrantz, “Swedish Research on the Religion and Folklore of the Lapps,” *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* Vol. 85, No. 1/2 (1955), 82.

<sup>22</sup> Gunlög Fur, *Svenskarnas uppfattning om samer från stormaktstiden till 1700-talets mitt* (In Karlsson, Eva-Lena and Öjmyr, Hans (Ed.). *Främlingen*, 1996), 35.

<sup>23</sup> Gunlög Fur, *Svenskarnas uppfattning*, 41.

Swedish state's, and its representatives', view of the Lappmarks inhabitants.”<sup>24</sup> Yet, by the 1600s, writes Gunlög Fur, it is mainly cultural differences (*kulturella brister*) that lie between Swedes and Sámi.<sup>25</sup> In addition, some criticized the stereotyping of the Sámi and one of the first protests seems to have come from Nicolaus Lundius, son of Andreas Petri Lundius, the first Sámi priest in Arvidsjaur, in 1640. From his parish Nicolaus Lundius wrote repeatedly against the conventionalization of the Sámi and he insisted in pointing out that they were no different from other Swedes: “Sámi are rich, poor, dark-haired, blond, selfish and generous, and beliefs and customs can vary between men and women.”<sup>26</sup> This attitude was to change by the 1800s, where race slowly replaced culture and the perception of the Sámi, and of the Indian Americans, changed with it.

Briefly, the development of nineteenth century biological racism was a complex interplay of scientific and social approaches to race: “Racial concepts did not move tidily from a shallow Enlightenment environmentalism to a deep biology; nor were the two positions mutually exclusive. Nurture and nature intertwined.”<sup>27</sup> Although neither Sweden nor the United States were initially the centers of scientific or pseudo-scientific research on race (England took the lead) a century later they both became leaders and

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<sup>24</sup> Gunlög Fur, *Svenskarnas uppfattning*, 34.

<sup>25</sup> Gunlög Fur, *Svenskarnas uppfattning*, 38.

<sup>26</sup> Gunlög Fur, *Svenskarnas uppfattning*, 42. Andrea Amft describes modern Sweden as ethnically complex. As a nation-state, however, one ethnic group has dominated Sweden, namely the Swedes, which also form part of the majority and has in practice monopolized the territorial, political, and economic power. (Andrea Amft, “Att skapa en ‘autentisk’ minoritet - om maktrelationen mellan svenskar och samer från slutet av 1800-talet till 1970-talet,” *Historisk tidskrift* No. 118 (1998): 585.)

<sup>27</sup> Bruce R. Dain, *A Hideous Monster of the Mind: American Race Theory in the Early Republic*. (Cambridge (Mass.): Harvard University Press, 2002), vii.



hard proponents of both race biology and eugenics. What this meant was that by the late nineteenth century race biology redefined race, and consequently, constructed a socially and historically defined notion of race that was to reclassify what it meant to be Sámi, or Indian American.<sup>28</sup> In other words, what this meant was that in Sweden race was constructed on parameters that defined what meant to be a Swede, as opposed to anything not Swedish. In the United States, on the other hand, race was being constructed along a binary dichotomy of blackness against whiteness; although, the construct eventually came to represent whiteness vis-à-vis the rest.<sup>29</sup>

A word of caution in categorizing the Sámi is needed. As with other heterogeneous indigenous groups, like those in the Americas, the Sámi are not a homogeneous group and as such should not be “clumped” together, or treated as a collective.<sup>30</sup> Lars Thomasson argues that “to speak of and represent the Sámi as an entity constitutes therefore a gross simplification and implies the wrongful existence of a homogeneous and common Sámi culture.”<sup>31</sup> Yet, as it is the case in the United States and in other national contexts, the state re-categorized indigenous groups and lump them

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<sup>28</sup> Bruce Dain adds, “Science increasingly focused on classification and the problem of reproduction, heredity, and variation, while American culture and politics focused on race, sexuality, and race mixing. Beneath apparent disparities, science and society converged. In the United States, the convergence yielded, besides hard racist theories, conceptualizations of races as historically and culturally constructed.” (Bruce R. Dain, *A Hideous Monster of the Mind*, viii).

<sup>29</sup> Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia: University of Pennsylvania Press, 2000), 53-54.

<sup>30</sup> Gunlög Fur, *Contacts between the Saamis and the Swedish state in the 17th and 18th centuries* (In Alekseyev, Veniamin and Sven Lundkvist (Ed.). *State and minorities. Konferenser / Kungl. Vitterhets historie och antikvitets akademien*, 1997, No. 39), 68.

<sup>31</sup> Lars Thomasson, “Staten och Samerna,” *Samefolket: organ för Svenska samernas riksförbund och Sällskapet Same-Åtnam* No. 9 (1999): 13.

together for the purpose of administrating the various groups. For this reason, and for the purpose and scope of this research, the Sámi are treated as a collective.

#### The United States of America – The Indian Americans

Labeling and categorizing the native populations in the United States of America is a controversial exercise no matter the approach. Native populations' perceptions of who they are and how they see themselves should be pivotal in this exercise. Once again, however, the state's perception is what counts. With this notion in mind, and without being unsympathetic to Natives' sentiments, I felt the need to look for a definition that would fit the scope of this research and one that would represent the Indians within the continental United States as a collective.

The notion of Indian, as expressed by Robert F. Berkhofer, and others, is a "White conception." Berkhofer argues that while the existence of Native Americans cannot be denied, "the *Indian* was a White invention and still remains largely a White image, if not stereotype."<sup>32</sup> For Berkhofer, "The first residents of the Americas were by modern estimates divided into at least two thousand cultures and more societies, practiced a multiplicity of customs and lifestyles, held an enormous variety of values and beliefs, spoke numerous languages mutually unintelligible to the many speakers, and did not conceive of themselves as a single people – if they knew about each other at all."<sup>33</sup>

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<sup>32</sup> Robert F. Berkhofer, *The White Man's Indian*, 3.

<sup>33</sup> Robert F. Berkhofer, *The White Man's Indian*, 3. Although it is important to remember that overall the existence of extensive trade networks linked many groups.

We often hear of Indians, American Indians, Native Americans, Nations, North American Nations, Indigenous Peoples, etc. It comes as no surprise then that scholars, like Berkhofer, view some of these categorizations as downplaying the

variety of cultures and societies as a single entity for the purpose of description and analysis, thereby neglecting ... the social and cultural diversity of Native Americans then – and now – for the convenience of simplified understanding. To the extent that this conception denies or misrepresents the social, linguistic, cultural, and other differences among the people so labeled.<sup>34</sup>

In addition to these terminologies or categorizations, writes David E. Wilkins, “Indigenous communities expect to be referred to by their own names – Navajo or Diné, Ojibwe or Anishinabe, Sioux or Lakota, Suquamish, or Tohono O’odham – since they constitute separate political, legal, and cultural entities.”<sup>35</sup>

In spite of the existence of these very distinct “Indian communities constituting separate political, legal, and cultural entities,” we also need to take into consideration the existence of an operating conceptual categorization that has created a collective image in both legal and political parlance, as well as, in popular culture, Natives have become *Indians*, *Noble and Ignoble Savages*, and *Heathens*.<sup>36</sup> Most importantly, the state whether national or regional has often dealt with Native populations as *Indians*; specifically during encounters such as treaty signage or bellicose confrontations, but often referring to

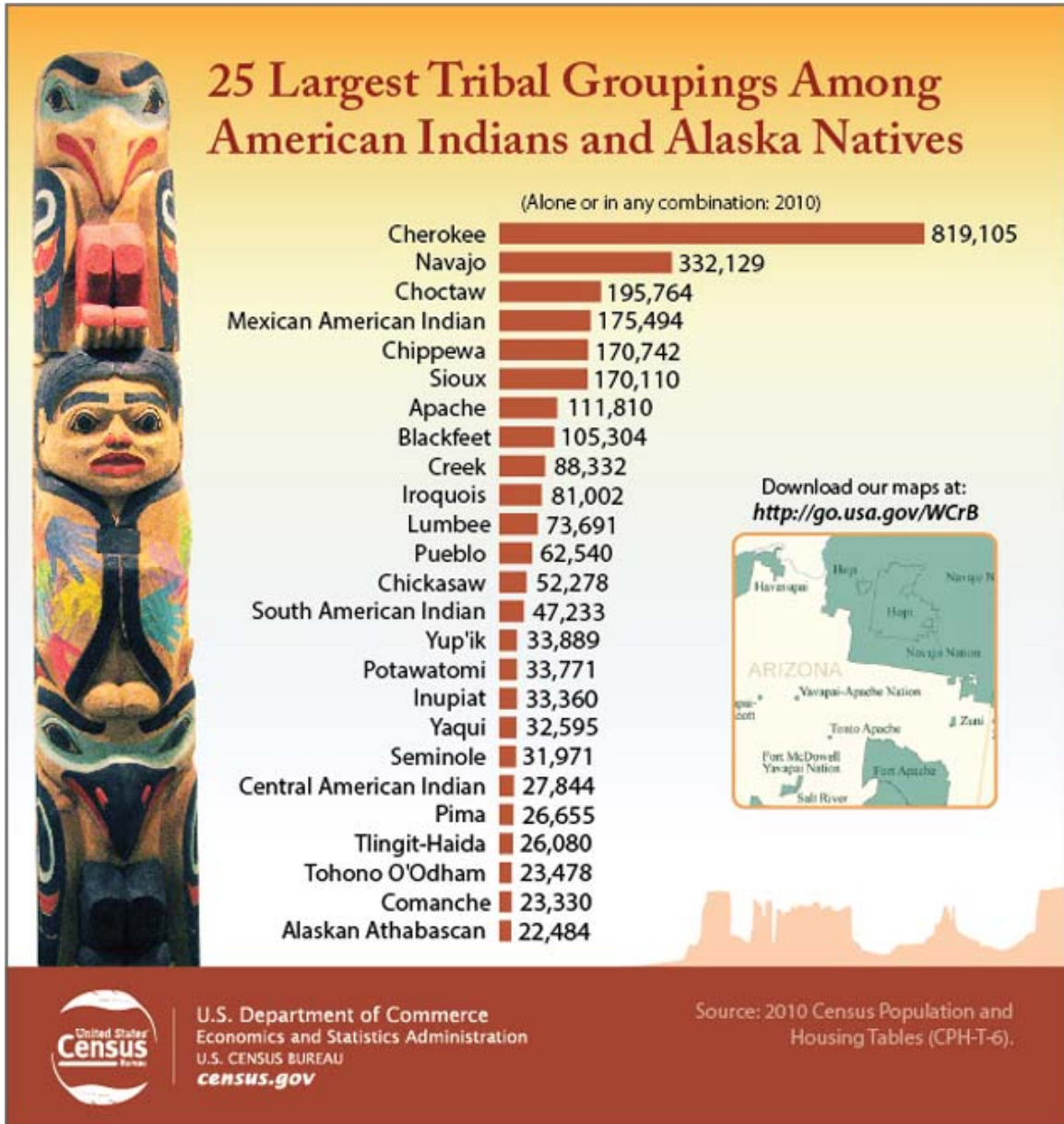
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<sup>34</sup> Robert F. Berkhofer, *The White Man’s Indian*, 3.

<sup>35</sup> David E. Wilkins, *American Indian Politics and the American Political System* (Lanham, MD: Rowman & Littlefield, 2002), 12.

<sup>36</sup> For example, early English adventurers into Virginia, writes Berkhofer, “spoke of *Indians*, *savages*, *infidels* in one breath at the same time as they carefully studied the various alliances and specific characteristics of the tribes around Jamestown.” (Robert F. Berkhofer, *The White Man’s Indian*, 23).

FIGURE 2: 25 LARGEST TRIBAL GROUPING IN THE UNITED STATES AS REFLECTED IN THE 2010 CENSUS DATA.<sup>37</sup>



<sup>37</sup> U.S. Census Bureau, “2010 American Indians and Alaska Natives in the United States Map,” Not Copyrighted material free to use, [https://www.census.gov/geo/maps-data/maps/aian\\_wall\\_maps.html](https://www.census.gov/geo/maps-data/maps/aian_wall_maps.html) (accessed December 7, 2014)

these populations simply as *Indian*; as in dealing with the *Indian Question*, in formulating an *Indian Policy*, or in handling *Indian Country*.<sup>38</sup>

Scholars have deplored the perils of homogenizing indigenous experiences into an overarching whole.<sup>39</sup> They deplore the homogenization essentially to avoid denying indigenous peoples not only an identity but also a voice in the course of historical evolution, which could result in the formulation of misleading and incomplete analysis. At times, however, a certain level of generalization is justified, write Augie Fleras and Jean Leonard Elliott, quoting Stephen Cornell (1988), “argues that ‘critical commonalities’ remain within the Indian experience that increasingly link native Americans with each other and to a common political trajectory.”<sup>40</sup> By the same token, one can assume that indigenous peoples everywhere have had similar experiences in their relations to the state and that in turn, states in general found answers to their individual “Indian problem” in common discourses and practices. For instance, Canada’s experience could very well be the experience of several other countries where initial cooperation was, by the mid-1800s (and in some instances even earlier), to be replaced by

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<sup>38</sup> For Berkhofer, presumably at the time of writing, the notion of Indian was still a contested concept: “Thus, as in the past, the present scientific understanding of the Indian combines normative and descriptive dimensions into one fused intellectual construct and serves ideological as well as scientific purposes.” (Robert F. Berkhofer, *The White Man’s Indian*, 69). Yet, today we still find the term widely used across social, political, legal, economic, and popular boundaries.

<sup>39</sup> Fleras and Elliott, *The “Nations Within”*, x.

<sup>40</sup> Fleras and Elliott, *The “Nations Within”*, x.

segregation, assimilation, and paternalistic protection, then to be replaced by post-WWII integration and formal equality, since the 1970s limited autonomy.<sup>41</sup>

We can all agree with Berkhofer, Wilkins, and others, that no matter the labeling these are all “imposed and invented categories – an ethnic gloss,” which tend to amalgamate “character and culture ... united into one summary.”<sup>42</sup> With this in mind the next logical question would be why not using the “legal definition” provided by the federal government, through the Bureau of Indian Affairs (BIA)? The answer is quite simple, as in the case of the Sámi, state definitions have a tendency of redefining identity and in the process exclude those who fail to fit into the political and legal mold of the moment. The federal government definition then, wrote Joseph E. Trimble, and Robin A. LaDue, “has undergone numerous revisions in the past 100 years or so, but currently the BIA defines an American Indian as a person whose American Indian blood quantum is at least one fourth and who is a registered and enrolled member of one of the 600 or so recognized tribes. The hard-and-fast criteria eliminated many people of American Indian background.”<sup>43</sup>

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<sup>41</sup> Fleras and Elliott, *The “Nations Within”*, 39.

<sup>42</sup> Joseph E. Trimble and Robin A. LaDue, *Law and Social Identity and Its Effects on American Indian and Alaska Native Youth* (In Barrett, Kimberly, and William George (Ed.). *Race, Culture, Psychology, & Law*. Thousand Oaks, Calif: Sage Publications, 2005), 348. Berkhofer adds “The centuries-long confusion and melding of what seem to us fundamentally different, even incorrect, ways of understanding human societies account for several persistent practices found throughout the history of White interpretation of Native Americans as Indians: (1) generalizing from one tribe’s society and culture to all Indians, (2) conceiving of Indians in terms of their deficiencies according to White ideals rather than in terms of their own various cultures, and (3) using moral evaluation as description of Indians.” (Robert F. Berkhofer, *The White Man’s Indian*, 25-26)

<sup>43</sup> Joseph E. Trimble and Robin A, LaDue. *Law and Social Identity*, 349.

While the collective categorization of Native communities must be an acceptable anathema, the categorization of what constitutes these communities living within the geographical areas of what came to be known as the United States of America needs revisiting. It is hence important to diminish the level of ambiguity and the lack of specificity found in terms such as American Indians, Native Americans, North American Nations, etc. These terms, in one way or another, lack a sense of specificity necessary to describe solely the autochthonous populations that inhabited what came to be the continental United States. Taking the cue from Colin Calloway I have opted to use the term *Indian American* when referring to individuals, peoples, and populations belonging to Native Nations and communities residing first within British North America and following the 1783 Peace of Paris, the United States of America. Similarly, *Indian America* would be referring to Indian Country or that portion of what was to become the continental United States.

Why not use the already established term of *American Indian*? Although this term is widely used across disciplines, discourses, and narratives, it is a term that is far too ambiguous. The notion of an *American Indian* seems to protrude a notion of possession as *Indians whom belong to America*, meaning the United States. In its stead, the term *Indian American* connotes an Indian whose geographic location is America, which in this sense is more appropriate. By the same token the notion of the *North American Indian* is also too vague and ambiguous. North America includes several modern-day countries along with the United States and as such it would not be accurate to use the term.

## The Modern State: Formation, Evolution, and Power Consolidation

As mentioned earlier, the modern state is the focus of this analysis, and as such, understanding its formation, evolution, and power consolidation is important if one wants to demonstrate the structural and functional differences between the pre-modern and modern state and the mechanisms that led to the exclusion and marginalization of the indigenous.

What we now call the modern state emerged gradually over the course of several centuries and not in a uniform or standard fashion. The causes, motivations, and overall processes behind this shift varied very much from country to country. Favorable conditions, whether voluntarily triggered or not, had to exist in order for the shift, from pre-modern to modern, to occur.

If we take England, Sweden, and France as examples we notice that the transformations were sparked at different points in time and by different causes and with different results. For instance, the developments that took England out of feudalism were not present in Sweden mainly because Sweden did not experience the full system of feudalism as the rest of Europe did. While, in the case of France, the process of transformation took relatively longer primarily because of the level of socio-cultural, political, and also economic fragmentation. As such, the process that began in England around the 1200s with the unrest that led to the signing of the *Magna Carta*, only began in Sweden, following the Swedish War of Liberation (1521-1523) led by Gustav Vasa and with the ensuing consolidation of Vasa's reign. France, on the other hand, had a more complex and fragmented process of transformation that began in the aftermath of the



Hundred Years' War (1337-1453), which instilled French nationalism and territorial unity, and matured only later in the 1700s.

These changes did not occur in a vacuum. On the contrary a series of centrifugal forces and events, such as cultural and intellectual movements coupled by plagues, wars, and waves of global exploration, influenced the course of development; at times speeding up the process, while in other instances slowing it down. By the seventeenth century Europe exited the *Post-Classical Age* and it was well into the modern period where the modern state completely replaced the feudal state, consolidating its power during Absolutism finally reaching maturity by the nineteenth century. At this point the modern state was a *fait accompli* fueled by the dramatic changes brought about by the French Revolution, the Napoleonic Era, and the Industrial Revolution; in other words, by *modernity*.

The “new” state eventually comes into conflict with native or aboriginal communities, and the interaction between the state and indigenous peoples was also affected. In fact, the homogenizing and standardizing dynamism of the modern state eventually changed the natural landscape in which indigenous peoples blended; the frontier “was steadily eroded until each country swallowed it up in the name of its own national destiny.”<sup>44</sup> For instance, in the United States and in Argentina, the new national conscience saw indigenous peoples as hindrances to the achievement of their “manifest destiny” and the realization of a modern state and society. In these and other countries

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<sup>44</sup> David Maybury-Lewis, *Indigenous Peoples, Ethnic Groups, and the State* (Boston: Allyn and Bacon, Second Edition, 2002), 3.

around the world indigenous people were seen as subordinated and inferior *Others* marginalized by their very nature and by the new state claiming sovereignty, power, and jurisdiction not only over their lands, which they occupied since time immemorial, but eventually also over their lives and identities as policies and legislations would regulate *who* or *what* indigenous is; i.e., identity and livelihood.<sup>45</sup>

### *Modern State Formation and Evolution*

For the purpose of the current study, a conceptualization of the modern state could not be found in normative theories. In its stead, a more suitable conceptualization must be sought in the histories and sociologies that have made up the modern state proper. For instance, Max Weber and Gianfranco Poggi define the modern state as being constructed on a human association, with a monopoly of power, a specific territoriality, and as being driven by a functionally specific institutional machinery, but one that cannot, ultimately, operate without its intrinsic nation.

Max Weber's influential definition of the state is "a human community that (successfully) lays claim to the *monopoly of the legitimate physical violence* within a particular territory."<sup>46</sup> Weber's definition of the state is, for Charles Tilly, "of little help

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<sup>45</sup> In Sweden, for instance, the Reindeer Husbandry Act (1971:437) outlines who is considered a Sámi and as such who has usufructuary right to the land and water. The 1971 Act, however, was not the first in defining who was a Sámi. The Reindeer Grazing Acts of 1928 introduced the first official meaning, by defining who belonged to the *lappbyn*, or Sámi village. Most importantly, the 1928 Acts introduced a distinction between reindeer grazing Sámi and non-grazing Sámi; something which has had a great impact on the Sámi community as a whole. A similar situation can also be found in Canada where through Bill C-31 (1985) "the government was defining Indian status without consulting Indians." (Duane Champagne, Karen Jo Torjesen, and Susan Steiner, *Indigenous Peoples and the Modern State* (Walnut Creek, CA: AltaMira Press, 2005), 36).

<sup>46</sup> Max Weber, David S. Owen, Tracy B. Strong, Rodney Livingstone, Max Weber, and Max Weber, *The Vocation Lectures* (Indianapolis: Hackett Publication, 2004), 33.

[because] every single key word begs the historical question of when, at what particular date, the 'state' can be said to have emerged."<sup>47</sup> For Tilly, the modern, or contemporary state emerges where a process of consolidated territoriality and differentiated functionality replaces differentiated territoriality and consolidated functionality; an argument also found by Joseph R. Strayer, Thomas Ertman, and Hendrik Spruyt.<sup>48</sup>

Gianfranco Poggi looks into the structural complexity of the modern state and finds the emergence of social processes patterned by certain rules that are the distinctive characteristics between the modern *vis-à-vis* the pre-modern. More specifically:

the institutional profile of the modern state ... emphasizes, by and large its 'modernity', since its patterns appear to be the products of an advanced and sophisticated process of social differentiation ... the modern state appears as an artificial, engineered institutional complex rather than as one that has developed spontaneously by accretion. It is a deliberately erected framework ... it is a made reality.<sup>49</sup>

Poggi continues by questioning one of his assumptions regarding the artificiality of the nature of the state. Quoting Weber, Poggi argues that:

'When one says that the state is the highest and ultimate thing in the world, that is entirely correct once it is properly understood. For the state is the highest power organization on earth, it has power over life and death ... A mistake comes in, however, when one speaks of the state alone and not of the nation.' In this argument, the state is a purposefully constructed, functionally specific machine, but one appealing to and mobilizing deeper and more demanding feelings and emotions to the extent that it serves a more inclusive and less artificial reality.<sup>50</sup>

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<sup>47</sup> Charles Tilly, and Gabriel Ardant, *The Formation of National States in Western Europe* (Princeton, N.J.: Princeton University Press, 1975), 85.

<sup>48</sup> Charles Tilly, and Gabriel Ardant, *The Formation of National States*, 87.

<sup>49</sup> Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Stanford, Calif: Stanford University Press, 1978), 95.

<sup>50</sup> Gianfranco Poggi, *The Development of the Modern State*, 100-101.

As such, as the modern state emerges it soon comes to represent not only the state *per se* but it comes to signify the expression of the nation as a whole.

Joseph R. Strayer goes beyond what he calls “unsatisfactory definitions” and looks instead for “some of the signs which show us that a state is coming into existence.”<sup>51</sup> Strayer provides a viable blue print of state formation by focusing on the series of changes taking place during medieval Europe, which culminated by the seventeenth century in the rise of the modern state from the ashes of the feudal body politic.<sup>52</sup> Strayer denotes five signs which are concerned with the “origins and not the final form of the states:”<sup>53</sup> i) human community: the emergence of a human community must persist in space and time if it is to become a state; ii) geography: there must be a core area within which the group can build its political system; iii) political institutions: the formation of impersonal, relatively permanent, political institution. If the community is to persist in time and retain its hold on a geographical area, however, there must be institutions which can survive changes in leadership; iv) authority (sovereignty): the recognition of the need for a final authority, not the possession of a “monopoly of power;” and finally, v) moral authority: a shift in loyalty from family, local community, or religious organization to the state and the acquisition by the state of a moral authority to back-up its instructional structure and its theoretical legal supremacy.<sup>54</sup>

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<sup>51</sup> Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, N.J.: Princeton University Press, 1973), 5.

<sup>52</sup> Joseph R. Strayer, *On the Medieval*, 12.

<sup>53</sup> Joseph R. Strayer, *On the Medieval*, 5.

<sup>54</sup> Joseph R. Strayer, *On the Medieval*, 5-9.

Strayer's work is relevant here for several reasons, but most importantly for its discussion of sovereignty. For the final authority over the realm "requires independence from any outside power and final authority over men who live within certain boundaries."<sup>55</sup> The emergence of the modern state could not have taken place with multiple authorities, or contesting powers. As such the emergence of the state in Sweden and the United States had to contend with initial *axial power-struggles* such as that posed by the nobility or the states, respectively. In addition, both countries were also presented with another source of contesting power, or rather *tangential power-struggle* such as that posed by native populations. In Sweden, the Crown could not afford a contesting Sámi population during the years of foreign conquests because this would have meant limiting the Crown's usufructuary rights over silver and other mineral mines and a steady source of consumables for the war effort. Similarly, in the United States, American westward expansion, and national growth, would not have been possible with a legally *at par* native population.

Beginning in the medieval state, Strayer argues, England and France developed the most influential models of the European state particularly in the crucial period of the late thirteenth and early fourteenth centuries where notions of sovereignty appeared (not the term itself), showing a major shift of loyalty from Church and family to the state.<sup>56</sup> In England, for instance, the king by the 1300s, not only knew he had sovereign power, making laws formally and deliberately binding all in the kingdom, he also regulated all

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<sup>55</sup> Joseph R. Strayer, *On the Medieval*, 58.

<sup>56</sup> Joseph R. Strayer, *On the Medieval*, 33, 36.

justice and taxation. In France, on the other hand, state formation was more fragmented and the reach of state's *suzerainty* only occurred through provincial governments and bureaucracy: "the French had increased the size of their bureaucracy enough to make the government more complicated but not enough to make it capable of dealing directly with the people. Many taxes were collected by tax-farmers and in the case of the *gabelle* (salt tax), by merchants."<sup>57</sup>

The maturation of sovereignty, in both theory and practice, was central to the consolidation of power of kings *vis-à-vis* the nobility, the church, and other political interests. Hobbes' conceptualization often takes a central role in theorizing *sovereignty*. For Hobbes: "*One Person, of whose Acts a great Multitude ... this Person, is called is called SOVERAIGNE and said to have Sovereigne Power; and every one besides, his SUBJECT.*"<sup>58</sup> Although Hobbes' approach to sovereignty has often been criticized, it still provides a plausible insight into the psychology of not only kings but of the state in general in terms of power consolidation and retention.

James R. Hurtgen looks at Hobbes' theory of sovereignty in the *Leviathan* and concludes that although Hobbes' theory "is a purely analytical concept" that fails in its attempt of deductive science, and thus "is not logically dependent upon arguments deduced from the discussion of man, it is nonetheless a correct one."<sup>59</sup> Hurtgen's

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<sup>57</sup> Joseph R. Strayer, *On the Medieval*, 73. Similarly, in Sweden, in the early stages of state formation the reach of suzerainty was somehow limited by geography and vast distances, hence, at least until Vasa's reign in 1523, merchants and traders were given the duty of taxing the Sámi in remote areas of the realm.

<sup>58</sup> Thomas Hobbes, and Richard Tuck, *Leviathan* (Cambridge [England]: Cambridge University Press, 1991), 121.

<sup>59</sup> James R. Hurtgen, "Hobbes's Theory of Sovereignty in *Leviathan*," *Reason Papers* No. 5 (1979): 55, 59.

assessment makes Hobbes worth considering, especially for his analysis on the indivisibility of sovereignty: “*a Kingdome divided in it selfe cannot stand ... This great Authority being Indivisible, and inseparably annexed to the Sovereignty.*”<sup>60</sup> As such, sovereignty resides in one *locus* and cannot be divided or shared: “In plain, sovereignty cannot be divided. As Samuel Johnson said, ‘In sovereignty there are no gradations.’”<sup>61</sup> Johnson’s conclusion means that “Sovereignty signifies an authority beyond which there is no appeal; in this sense it is and must be absolute ... Either it is unitary and absolute, or it is not at all. Sovereigns are limited only by themselves.”<sup>62</sup>

Because “sovereignty has no gradations” the modern territorial and industrial state could not afford to share power and jurisdiction over the administering of its authority. Sovereignty, thus limits, if not eliminates, alternative *loci* and *foci* of power-claims. In the case of the Sámi, for instance, this entailed that during the border treaty negotiation with Denmark-Norway (the Treaty of Strömstad of 1751) the Sámi could be allowed to take part, as this would entail a shared power to delineate their pastoral rights in the treaty. In its stead, the Crown defined what were Sámi rights and how, and to which extent, these were to be protected. Similarly, in the United States the general attitude towards Indian Americans and treaty signing began to change in the 1780s and calls for an end of treating Indians as “nations of equal standing” if the Revolution is to survive.<sup>63</sup>

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<sup>60</sup> Thomas Hobbes, and Richard Tuck, *Leviathan*, 127-128.

<sup>61</sup> James R. Hurtgen, “Hobbes’s Theory of Sovereignty in *Leviathan*,” 61.

<sup>62</sup> James R. Hurtgen, “Hobbes’s Theory of Sovereignty in *Leviathan*,” 61.

<sup>63</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 282.

At this junction, the establishment of the modern state entails the replacement of the family, local attachments, and feudal mechanics. The state and its hold on all sovereign power, especially when this is unitary, becomes a life-necessity and its protection and survival becomes a matter of “life or death:” “To weaken or to destroy the state was to threaten the future of the human race. Therefore a state was entitled to take any steps to ensure its own survival, even if those steps seems unjust or cruel.”<sup>64</sup>

The modern state must also be understood in terms of regime type, or of the political and infrastructural developments. Thomas Ertman sets out to explain the variations in political regimes, which determined whether a ruler was “relatively constrained (constitutionalism) or unconstrained (absolutism) in his behavior.”<sup>65</sup> Ertman suggests that one needs to look into Hintze’s contention that “territorially based assemblies or parliaments were structurally stronger [for instance, the English Parliament], and hence better able to resist the blandishments of ambitious rulers, than were status-group-based assemblies or Estates [for instance, those of Latin Europe].”<sup>66</sup> Territoriality, therefore, from the very beginning, came to represent not only an important variable for the definition of power, but also for the administration of power.

For example, by the 1700s Sweden was an established bureaucratic constitutional monarchy and maintained strong representative institutions as the one found in England.

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<sup>64</sup> Joseph R. Strayer, *On the Medieval*, 108.

<sup>65</sup> Ertman Thomas, *Birth of the Leviathan*, 19. These should perhaps be taken as generalizations because even in the so-called “constrained constitutional” systems signs of absolutism (e.g., James I Stuart or Karl XI or Karl XII of Sweden) were present.

<sup>66</sup> Ertman Thomas, *Birth of the Leviathan*, 21.



Sweden, however, did go through long and intensive periods of absolutism and it is often characterized as oscillating “between a bureaucratic constitutionalism close to that of Britain and a bureaucratic absolutism similar to that of its southern neighbor.”<sup>67</sup> Still, the parliament, or Riksdag, managed to develop into a strong institutional structure capable of maintaining its powers of co-legislation and co-taxation through most of the early modern period.<sup>68</sup> Having these “shared” powers made the Riksdag “a hybrid institution, a crucial body with an important territorial element rooted in participatory units of local government. It was the assembly’s hybrid character which rendered it stronger than the Estates of Germany or Latin Europe but weaker than the parliaments of England, Hungary and Poland.”<sup>69</sup> As such, territorially based assemblies supported by powerful representative institutions (what Charles Tilly calls “decentralized but relatively uniform political structure”) created the conditions for the development, in broad terms, of a bureaucratic constitutionalism similar to that found in England and Sweden.<sup>70</sup>

The dawn of the *Modern Age* dispossessed feudalism and brought changes in the way power and authority were being understood, which eventually affected and changed the structure and function of the state into a territorially defined, centralizing, and homogenizing entity moving away from tradition and the political, military, economic, and social system of the Middle Ages. As a result of these changes:

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<sup>67</sup> Ertman Thomas, *Birth of the Leviathan*, 267.

<sup>68</sup> Ertman Thomas, *Birth of the Leviathan*, 33.

<sup>69</sup> Ertman Thomas, *Birth of the Leviathan*, 313.

<sup>70</sup> Charles Tilly, and Gabriel Ardant, *The Formation of National States*, 21.

the international system went through a dramatic transformation in which the crosscutting jurisdictions of feudal lords, emperors, kings, and popes started to give way to territorially defined authorities. The feudal order was gradually replaced by a system of sovereign states [Most importantly] the concept of sovereignty ... altered the structure of the international system by basing political authority on the principle of territorial exclusivity.<sup>71</sup>

By 1648 a new system of sovereign states claiming territorial exclusivity redefined not only the international system but also the source of “internal and external violence and who may exercise such violence [here the] state claims a domestic and external monopoly of force.”<sup>72</sup> As sovereignty was redefining the monopoly of power, jurisdiction was also being relocated to the center, dislocating and eventually eliminating other actors claiming authority and power.<sup>73</sup> The traditional *foci* and *loci* of power, authority, and of legitimacy, were shifting from being fluid and abstract as found in feudalism to being more concrete and fixed claiming privileged sovereignty over a specific territory.

What follows are three complementary points worth considering to help us characterize the modern state: i) like vs. dislike units, and how compatible interacting actors must be; ii) state sovereignty and its competitors, specifically how some of those competitors shaped not only the nature of the modern state but also how many were

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<sup>71</sup> Hendrik Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change* (Princeton, N.J.: Princeton University Press, 1994), 5.

<sup>72</sup> Hendrik Spruyt, *The Sovereign State*, 16.

<sup>73</sup> For Spruyt jurisdiction in the Middle Ages “was neither discrete – jurisdiction overlapped – nor exclusive – different authorities might claim final jurisdiction on the same matter.” (Hendrik Spruyt, *The Sovereign State*, 13). Once again the existence of alternative *foci* and *loci* of sovereignty, power, and jurisdiction (as those claimed by indigenous people) run counter to the emerging modern state. This is also discussed in Tully: “In the theories of Hobbes and Pufendorf, sovereignty signifies a single locus of political power that is absolute or autonomous. It is not conditioned by any other political power. A sovereign ruler or body of people (such as a legislature) exercises political power over others (subjects) but is not subject or accountable to the exercise of political power by others.” (James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), 193-194).

dislocated and eventually absorbed by the modern state (e.g., national minorities like the Breton and Gallo speaking peoples in France); and finally, iii) the misfortunes of those contenders who resisted the modern state.

### *State's Power Consolidation*

The Treaty of Westphalia essentially rewrote the rules of membership and of engagement between what became acceptable state-actors. Here, local, material, or economic power (as in the case of the Hanseatic League) no longer mattered.

New statist bureaucracy, full political and material control, and a shared culture were the defining traits of the modern state. Free cities (e.g., Hamburg and Lübeck), traditional empires (e.g., Ottoman Empire), and by extension, Native Nations (e.g., the Cherokee Nation or the Sámi) were incompatible with the emerging “standard European pattern.”<sup>74</sup> A certain level of compatibility became the norm as it delineated acceptable behavior of like units and their interactions within the system (i.e., the redefinition of the international system). Difference in the conception of power, authority, territoriality, organization, values, norms, and eventually historical heritage all turned out to play a pivotal role in the way Europe developed and in the way it looked upon the rest of the world.

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<sup>74</sup> It is important to mention that Spruyt does not believe that culture, as in the case of the Ottoman Empire, is a valid reason for excluding it from the new state system. For the author, despite being “fundamentally at odds” with the conceptual and practical framework of the system, this was mostly because it was “antithetical to the external equality of states which sovereign territoriality presupposes.” (Hendrik Spruyt, *The Sovereign State*, 17). Spruyt bases this conclusion on the Ottoman’s “universalistic logic of authority” where, quoting Bernard Lewis, it sees only one Muslim Empire composed by all Muslim countries under one law of Islam and therefore there can only be one sovereign and one law on earth (Ibid.). Even if one agrees with this analysis one cannot deny that religion is part of culture and religious difference can create horizontal (i.e., Protestant vs. Catholic) but also vertical differences (Christianity vs. Islam) and therefore one cannot conclude that *culture* “does not hold”. Hendrik Spruyt, *The Sovereign State*, 16.

The state became more and more unique in its organizational make-up and on its claim of sovereignty and territoriality: “It is sovereign in that it claims final authority and recognizes no higher source of jurisdiction. It is territorial in that rule is defined as exclusive authority over a fixed territorial space.”<sup>75</sup> The reorganizational makeover did not, however, happen in a vacuum and the spillover effects were seen in both the internal structure of the state and in the external structure of the system. Most significantly, domestically the new state redefined “human collectivity ... by spatial markers, regardless of kin, tribal affiliation, or religious beliefs. Individuals are ... amorphous and undifferentiated entities who are given an identity simply by their location in a particular area.”<sup>76</sup> Externally, in Weber’s terms, the state was claiming final jurisdiction over a demarcated territory with internal sovereignty.<sup>77</sup>

Hendrik Spruyt suggests that the emergence of the modern state was a result not of the inevitable, but as a response to “particular conjuncture of social and political interests in Europe.”<sup>78</sup> For Spruyt the evolution of the modern state is found in the reaction to exogenous forces (e.g., non-territorial or non-sovereign types of

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<sup>75</sup> Hendrik Spruyt, *The Sovereign State*, 34.

<sup>76</sup> Hendrik Spruyt, *The Sovereign State*, 34-35.

<sup>77</sup> Donna Lee Van Cott makes an interesting point on the extent of state’s jurisdiction: “Granting indigenous jurisdiction fosters the allegiance of indigenous authorities to the state while helping to establish the state as the source of authority. Recognizing indigenous customary law dramatically extends the reach of the rule of law, filling a geographically huge vacuum of legality.” (Donna Lee Van Cott, *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America* (Pittsburgh: University of Pittsburgh Press, 2000), 74). Among existing examples of this shifts in shared jurisdiction and allegiances we Sweden with the inauguration of the Sámi Parliament in 1993.

<sup>78</sup> Hendrik Spruyt, *The Sovereign State*, 18. To read more on the Fallacy of the Unilinear Evolutionary Image see pp. 20-21.

organizations), which were consequently either displaced and/or absorbed into the larger state organization. Exogenous forces can be understood not only in terms of external pressures threatening the emerging state, but also as internal pressures contending for the same power. At these junctures we find shock-like events (e.g., Reformation, the Thirty Year War, Treaty of Westphalia, etc.) that lead to “political and social realignments ... creating institutions that meet [new] material interests and ideological perspectives.”<sup>79</sup> By extension, intra-exogenous forces, such as indigenous claims, may have also pressed upon the state to move towards protecting its ideological and material interests; i.e., white civility and territoriality.<sup>80</sup> In the case of the Sweden, these exogenous forces were found in the geopolitical threats posed by Denmark-Norway and Russia in the northern territories. The Sámi, on the other hand, posed very little to no internal pressures. The Sámi’s special status, that guaranteed direct royal protection, assured the mitigation of disputes through direct royal appeal. In the case of the United States, the situation was different. Here, the country had to contend with both domestic and international forces. Domestically, the states did pose, at least in the beginning, a certain level of power

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<sup>79</sup> Hendrik Spruyt, *The Sovereign State*, 19, 22. In other words, “internal developments of a country cannot be understood without taking into account that country’s position within its external environment [for instance] a state’s external vulnerability, because of geographic location, might lead to authoritarianism.” (Ibid., 26).

<sup>80</sup> Spruyt work goes hand-in-hand with Harald Gustafsson’s article on the Conglomerate State and the state formation in Sweden, discussed in chapter three. Gustafsson draws our attention to the importance of “international relations for the internal developments of states”, where “external state formation” places a certain pressure on states and hence on their internal structural formation and power consolidation. (Harald Gustafsson, “The Conglomerate State: A Perspective on State Formation in Early Modern Europe,” *Scandinavian Journal of History* Vol. 23, No. 3-4 (1998): 190). Spruyt and Gustafsson (and Hintze) can be useful in exemplifying the processes of spatially dislocating indigenous peoples into a limbo, or of stasis, as defined by Rudolph Rýser in his book *Indigenous Nations and Modern States: Political Emergence of Nations Challenging State Power*; Routledge, New York, 2012.

contention. Similarly, Indian Americans without the national borders often posed sovereignty issues, like in the case of the Cherokee Nation. The Cherokees, however, also constituted an international pressure as they were considered, at least up to the 1830s, a foreign nation. In addition, the United States was pressured outside its national borders by foreign European and non-European nations, which included native indigenous populations. In both instances, the Crown and the Federal Government saw the need to concretize national borders and extend their sovereign reach to guarantee the protection and existence of the kingdom or the nation.

In general, during the course of its evolution the modern state had to contend and defend its power and authority against these non-territorial and non-sovereign organizations. To be successful it required a shift from tradition and the modernization of existing belief-systems, identities, and values. By the end of the 1800s the contention was over and the modern state came out victorious, displacing, or eliminating altogether, alternative *foci* and *loci* of power and authority; hence forming a system of like-minded territorially sovereign states dislocating all other types of organizations; i.e., the “*dislike unit of actors*,” as in the case of indigenous peoples.

The nineteenth century was characterized by standardization, which according to James C. Scott, was also synonymous with state-led social engineering:

The first element is the administrative ordering of nature and society ... The second element is high-modernist ideology. It is best conceived as ... the rational design of social order [which] commensurate with the scientific understanding of natural laws. The third element is an authoritarian state that is willing and able to use the full weight of its coercive power to bring these high-modernist designs into being. The fourth element is ... a prostrate civil society that lacks the capacity to resist these plans.<sup>81</sup>

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<sup>81</sup> James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 4-5.

The early 1800s became thence a formative period in which the state established itself and redefines its purpose, existence, and *raison d'état*. A sense of state “purpose” begins to appear, at which point the emergence of the modern state also entailed the abstraction of what the state, and its intrinsic power, had become. Louis XIV’s axiom “*l'état, c'est moi*” was eventually replaced by “*l'état, c'est l'état.*”

It comes with no surprise then to see the rise of a governed entity independent from any particular ruler, regime type or institutional structure, or temporal political affinities. Over the course of its development, the state becomes an abstraction defined by the outcome of power exercised by individuals and groups. John Peter Nettl conceptualizes the state as representing the following:

an autonomous collectivity as well as a summing concept of high societal generality. It is thus in a functional sense a distinct sector or arena of society ... Further, the autonomy of the state is reflected by areas of exclusivity as well as primacy in all societies that have a well-internalized concept of state ... the state is essentially a sociocultural phenomenon. This follows from the liberation of the concept from exclusive association with particular structures, and from the emphasis on autonomy.<sup>82</sup>

Together with Spruyt’s concept of like-units we find a plausible definition of the modern state, as being a reflection of like-unit-individual’s self-identification onto a higher plane, hence excluding all that is dissimilar onto a lower plane of existence; as was the case with traditional indigenous societies.<sup>83</sup> Nettl Spruyt’s conceptualizations tie into Poggi

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<sup>82</sup> John P. Nettl, “The State As a Conceptual Variable,” *World Politics* Vol. 20, No. 4 (1968): 564-565.

<sup>83</sup> Ruggie notes that the modern state entailed a new set of “*social epistemes*”: “The demise of the medieval system of rule and the rise of the modern resulted in part from a transformation in social epistemology. Put simply, the mental equipment that people drew upon in imagining and symbolizing forms of political community itself underwent fundamental change ... Walzer has put it well: ‘If symbolization does not by itself create unity (that is the function of political practice as well as of symbolic activity), it does create units-units of discourse which are fundamental to all thinking and doing, units of feeling around which emotions of loyalty and assurance can cluster.’” (John G. Ruggie, “Territoriality and Beyond:

contention that the state cannot be taken by itself. On the contrary, it must be understood in conjunction with its nation, where in turn the state comes to signify the expression of the nation as a whole.

Spruyt's work can also be used in tandem with Scott's, where both authors point out the centralizing and homogenizing effect of the modern state, eliminating competitors and alternatives to the state. In other words, space had to be re-ordered, power and authority could not be ambiguous or shared, and the state's role changed to provide collective goods and to control freeriding. What colonization may have tolerated out of necessity or habit, the modern state could not afford and indigenous people became incompatible.

Part of the modern state's project was to monopolize and centralize power and extend its full control over its territory and to make "society legible, to arrange the population in ways that simplified the classic state functions of taxation, conscription, and prevention of rebellion."<sup>84</sup> To achieve this goal, nomads and other "unreadable" groups, such as minority nations or indigenous peoples, needed to be translated (i.e., converted) into the common language of the modern state in order to fit within the state's mold and purpose, while the rest of the population needed to be redirected, towards extensive processes of standardizations such as "weights and measures, the establishment of cadastral surveys and population registers, the invention of freehold tenure, the

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Problematizing Modernity in International Relations," *International Organization* Vol. 47, No. 1 (1993): 157, 160).

<sup>84</sup> James C. Scott, *Seeing Like a State*, 2.



standardization of language and legal discourse, the design of cities, and the organization of transportation seemed comprehensible as attempts at legibility and simplification.”<sup>85</sup>

In the cases of the Sámi and the Indian Americans this meant that both populations needed to be brought into the greater society. Before this could be accomplished, however, both populations needed to be made “legible”, which entailed their assimilation and reeducation.<sup>86</sup>

With this intentionally “myopic” view the state transformed not only nature but also the socio-political and economic fabric of the nation and its territory. It became a “bureaucratizing logic and archetype where commercial exploitation and social manipulations became the standards.”<sup>87</sup> Anything or anyone upsetting the mechanism, or any “unauthorized disturbance,” were seen as threatening and could no longer be allowed. Hence, the once perhaps tolerated pockets of power contention and competition (e.g., as found in France where taxes were collected by tax-farmers and in the case of the *gabelle* (salt tax), by merchants, or in the Sweden where up to around early 1700s territorial courts were often made up by Sámi jurors and where traditional legal customs were applied to court proceedings or sentencing) or pockets of autonomous space (as in

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<sup>85</sup> James C. Scott, *Seeing Like a State*, 2.

<sup>86</sup> We find many examples of these standardizing processes. “The invention of permanent, inherited patronyms was, after the administrative simplification of nature ... and space ... the last step in establishing the necessary preconditions of modern statecraft.” (James C. Scott, *Seeing Like a State*, 65). Scott continues in the concluding chapter with “Standardized citizens were uniform in their needs and even interchangeable ... They have none of the particular, situated, and contextual attributes that one would expect of any population ... The lack of context and particularity is not an oversight; it is the necessary first premise of any large-scale planning exercise. To the degree that the subjects can be treated as standardized unites, the power of resolution in the planning exercise is enhanced.” (James C. Scott, *Seeing Like a State*, 346).

<sup>87</sup> James C. Scott, *Seeing Like a State*, 15-18.

colonial times as found in Richard White's *Middle Ground*) were now resisted and homogenized.<sup>88</sup>

Homogenization also entails rationalization, which translates into centralization and most importantly “the schematized process of abstraction and simplification” of social norms and practices.<sup>89</sup> We cannot forget that these regulating processes also came at a cost. For Scott, the “hegemonic planning mentality is the loss of local knowledge and know-how.”<sup>90</sup> In other words, whatever cannot be translated or converted into a language legible by the modern state is automatically discarded as unusable; almost like a computer discards unreadable data from computation routines and processes. Within this illegible material we find groups of peoples whom, for one reason or another, are unwilling or unable to convert into the new state parameters and therefore are thrown in a state of limbo, or stasis.

Indigenous peoples, in particular, become this set of unreadable data with their histories, their contentions, their norms, their beliefs, their languages, their knowledge,

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<sup>88</sup> Joseph R. Strayer, *On the Medieval Origins*, 73; Champagne et al. tackles this issue: “why the nation-state seeks to absolve indigenous rights and identities.” They answer this question with two arguments. The first looks at the state as attempting to unify “national communities that support the institutions, values, and commitments of the state [this because they are seen as] easily mobilized to support the state, when most citizens share a common culture.” The second argument explains this marginalization in terms of nation-state weaknesses and inherent instabilities and “therefore are reluctant to recognize groups or rights that challenge the central principles of the nation-state.” (Duane Champagne, Karen Jo Torjesen, and Susan Steiner, *Indigenous Peoples*, 15-16).

<sup>89</sup> James C. Scott, *Seeing Like a State*, 22.

<sup>90</sup> James C. Scott, *Seeing Like a State*, 6. In his chapter about Practical Knowledge Scott argues that modernist scientific knowledge “dismisses practical know-how as insignificant at best and as dangerous superstitious at worst. The relation between scientific knowledge and practical knowledge is as we shall see, part of a political struggle for institutional hegemony by experts and their institutions ... not strategies of production, but also strategies of control and appropriation.” (James C. Scott, *Seeing Like a State*, 311).

and their traditions. For the state indigenous peoples were unreadable data because they opposed, and therefore failed, to embrace the rationalizing power of the modernist ideology, falling outside the “rational citizenry” and they were therefore left in this limbo of existence.<sup>91</sup>

Custom and tradition were things of the past relegated to the nature’s landscape pushed out from the logic and practices of the modern state because of their unscientific, non-schematic, and unpredictable nature would run counter to state cohesion and uniformity.<sup>92</sup> Eventually the “unintentional myopia” of the early modern state becomes a systemized form of control reshaping reality into concrete and abstract spatial and temporal terms of nation-state, nationhood, common good, territoriality, patriotism, cadastral maps, city maps, patronyms, etc. For Scott, “Much of the statecraft of the late eighteenth and nineteenth centuries was devoted to this project ... states generally worked to homogenize their populations and break down their segmentation by imposing common languages, religions, currencies, and legal systems.”<sup>93</sup> It is here that legibility and standard units of measurement become a precondition for state manipulation and formation of the new modern society.<sup>94</sup>

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<sup>91</sup> Quotation from James C. Scott, *Seeing Like a State*, 32.

<sup>92</sup> Some of the *Philosophes*, for instance Diderot, produced the famous *Encyclopedie*, covering human knowledge within an enlightened discourse: “For the [Enlightenment] Encyclopedists, the cacophony among measurements, institutions, inheritance laws, taxation, and market regulations was the great obstacle to the French becoming a single people. They envisioned a series of centralizing and rationalizing reforms that would transform France into a national community ... noting that this project promotes the concept of *national* citizenship ... what was at stake was not merely administrative convenience but also the transformation of a people.” (James C. Scott, *Seeing Like a State*, 32).

<sup>93</sup> James C. Scott, *Seeing Like a State*, 82.

<sup>94</sup> James C. Scott, *Seeing Like a State*, 183.

The level of a state's success depends on whether the state's goals are minimal or whether they are ambitious.<sup>95</sup> For example, Scott talks about pre-colonial and colonial state space and non-state spaces and he lists three features of non-state spaces, they: i) can be impenetrable; ii) can have a dispersed or migratory population; and finally, iii) can be unpromising sites (i.e., lacking a usufructuary utility).<sup>96</sup> Scott's argument can easily be applied when looking at colonial and post-colonial state systems and apparatuses; after all what changes is the degree of power consolidation and extension (e.g., Colonial British America vs. United States of America, or Swedish domestic colonization of the northern territories vs. the unified, territorially integral constitutional monarchy of the nineteenth century). In all these circumstances we often find a limited level or extent of state penetration, where state control may be precarious and often may rely on "outsourced" state-agents (e.g., traders/merchants collecting taxes), and lacking a comparable level of standardization seen in the late modern and post-colonial statecraft. In general, with the end of colonialism stateless zones (often found in remote areas where the government could not reach or could not in full enforce its power) provided an autonomous space where a certain level of autonomy could be exercised. For instance, the hierarchical structure of absolutist and colonial regimes allowed for the creation of autonomous, and in some instances non-state, spaces where indigenous peoples could pursue independent

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<sup>95</sup> James C. Scott, *Seeing Like a State*, 184.

<sup>96</sup> James C. Scott, *Seeing Like a State*, 186, 187.

identities and forms of governance; what Deborah J. Yashar calls “autonomous, and relatively unmonitored local spaces.”<sup>97</sup>

The emergence of a modern state, with its permeating tendency, either neutralizes or completely absorbs into its realm these autonomous pockets of non-state spaces, reconfiguring “the society and economy of those who are to be ‘developed’” and brought inline with the state’s new *raison d’être*. Scott uses the Indonesian state’s handling of the Meratus hill peoples as a case in point. Quoting Anna Lowenhaupt Tsing’s account, Scott shows how the Meratus peoples managed to “elude the clarity and visibility required for model development schemes,” in other words, managing to elude the reach of the state at least until they were “Cast in a discourse of development, progress, and civilization, the plans of the Indonesian state for the Meratus peoples are at the same time a synoptic project of legibility and concentration.”<sup>98</sup> Once the “elusive” Meratus peoples fell within the grasp of the state they were brought within a more acceptable level of state’s vision.

The cases of the Indian Americans and the Sámi show similar predicaments. The degree of extension of their respective spaces varied depending on the “maturation” of the state. For instance, in the case of the United States, Indian Americans, I believe, enjoyed a great degree of “native-space” during the Colonial and Confederate periods and, to a certain extent, during the years of the Early Republic. As the state grew,

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<sup>97</sup> Deborah J. Yashar, *Contesting Citizenship*, 60.

<sup>98</sup> James C. Scott, *Seeing Like a State*, 187-188. Scott continues by pointing out that: “The transformation of peripheral nonstate spaces into state spaces by the modern, developmentalist nation-state is ubiquitous and, for the inhabitants of such spaces, frequently traumatic.” As found in Scott, the nomadic Meratus hill peoples of Kalimantan are: “migratory hunter-gatherers who at the same time practice shifting cultivation, who live in constantly changing kinship units, who are widely dispersed over a demanding terrain, and who are, in Indonesian eyes, pagans.” (Ibid.)

however, so did its need for material and intangible, meaning socio-political and economic, space.<sup>99</sup> An example of this is the forced removal on Indian Americans, through the use of a network of reservations, meant not only to remove them from the public sphere and eye, but also, as found in Scott, these were meant to create a “concentrated state space” to control Natives’ lives.<sup>100</sup> In the case of Sweden, the advent of a unified and independent Sweden beginning with the reign of Gustav Vasa in 1523 set off a series of changes that would alter the autonomous nature of the Sámi. Although Sweden did not implement any type of reservation system, the displacing of the Sámi was achieved through extensive, generational, state-sponsored assimilationist policies, which, as we will see later on, were generally more successful than those of the United States.

By the 1800s most new republics practiced some form of constitutionalism, which represented “whenever we speak with propriety and exactness, that assemblage of laws, institutions and customs, derived from certain fixed principles of reasons, directed to certain fixed objects of public good, that compose the general system according to which the community hath agreed to be governed.”<sup>101</sup> Yet, with notions of “community” and “common good” cultural minorities, and therefore cultural diversity, we can deduce that according to Tully, are excluded *a priori*.

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<sup>99</sup> Meaning that as the young nation grew it required not only more “lebensraum”, but also a new rationalization of space of national belonging.

<sup>100</sup> James C. Scott, *Seeing Like a State*, 188.

<sup>101</sup> Quoting Bolingbroke (1733) in Philip P. Wiener, *Dictionary of the History of Ideas: Studies of Selected Pivotal Ideas* (New York: Scribner, 1973), 486.

The struggle between the *Machtstaat* and *Rechtsstaat* was at the forefront of modern constitutionalism.<sup>102</sup> This struggle sparked a set of political changes, which were to lie the foundations of modern constitutionalism;<sup>103</sup> hence, a system governed by law and not tradition. Politics are said to be the reflection of the society in which they occur and of the culture with which they are stirred. By the same token, then, modern constitutionalism was framed in the very spirit of domestic cultural realities where unity, and not diversity was sought, and a community of like-minded, and therefore exclusion, was the norm.<sup>104</sup> Quoting Thomas Paine, McIlwain points out that “the only true constitution is one consciously constructed, and that a nation’s government is only the creature of this constitution.”<sup>105</sup> An example of this homogeneity and conformity can be found in Federalist No. 2 where John Jay states:

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<sup>102</sup> Charles Howard McIlwain, *Constitutionalism: ancient and modern* (Ithaca, NY: Cornell University Press, 1966), 94. For instance, the questioning of the right to rule of tyrants by French Calvinists in *Vindiciae Contra Tyrannos* (Charles Howard McIlwain, *Constitutionalism: ancient*, 96). Also, as in the case of England, where, according to McIlwain, the law was often upheld against the will of the monarch: “But the clearest of all such cases is that of Cavendish in 1587, when the justices of the Court of Common Pleas flatly refused to obey express and repeated orders of the Queen, on the ground that ‘the orders were against the law of the land, in which case it was said, no one is bound to obey such an order.’” (Ibid., 97, 105).

<sup>103</sup> It is safe to say that England was the testing ground, if not the battle ground, where jurisdiction or government were to play out and where the continental crisis, starting with the Bohemian Revolt of 1618 (setting the stage for the Thirty Years War), was, according to McIlwain, the turning point. Here, the rule of law was to prevail for the protection of the rights of the subject over arbitrary will. (Charles Howard McIlwain, *Constitutionalism: ancient*, 115).

<sup>104</sup> If politics may be seen as the representation of social and cultural realities, the political is seen by Carl Schmitt as the distinction between *us vs. them*: “the state is a specific entity of a people ... The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping ... ‘namely of our National Being,’ is first to be viewed with respect to those who seek to undo it, and so make it *not to be*.” (Carl Schmitt, *The Concept of the Political* (New Brunswick, N.J.: Rutgers University Press, 1976), 19, 29, 68).

<sup>105</sup> Charles Howard McIlwain, *Constitutionalism: ancient*, 14.

With equal pleasure I have as often taken notice that Providence has been pleased to give this one connected country to one united people – a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence.<sup>106</sup>

The state becomes therefore the symbol of national cohesion and like-units, and constitutionalism becomes the framework within which limits are placed on arbitrary rule.<sup>107</sup> The modern state was to monopolize power within this constitutional framework, which in turn, represented the domestic community's cultural realities, beliefs, needs, and wishes. It is fair to assume, then, that indigenous peoples, like the Sámi and Indian Americans, fell outside the boundaries of the domestic, of common cultural realities and customs, of the modern state and of the nation.<sup>108</sup>

Finally, the language of modern constitutionalism fails to provide the necessary political space to accommodate indigenous political goals. This lacuna emerges because the very language of modern constitutionalism, according to Tully, it “[thwarts] the forms

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<sup>106</sup> James Madison, Alexander Hamilton, John Jay, and Isaac Kramnick (Ed.). *The Federalist Papers*. (London, England: Penguin, 1987), 91.

<sup>107</sup> Agnew and Corbridge see the birth of the modern territorial state resulting from the “spatial exclusion” of all else: “The modern territorial state steadily replaced the plurality of hierarchical bonds with an exclusive identity based upon membership in the common juridical space defined by the writ of the state. In other words, ‘the principle of hierarchical subordination gradually gave way to the principle of spatial exclusion.’” (John A. Agnew, and Stuart Corbridge, *Mastering Space: Hegemony, Territory and International Political Economy* (London: Routledge, 1995), 85).

<sup>108</sup> Tully traces the connection between law and customs to ancient Greece and Rome: “The Greek term for constitutional law, *nomos*, means both what is agreed to by the people and what is customary. When Cicero translated *politeia* as *constitutio* he sued it to mean both the fundamental laws that are established or laid down by the mythical lawgiver and the fitting or appropriate arrangement in accord with the preceding customary ways of the people.” Tully adds that within the contentions of ancient vs. modern constitutionalism, custom vs. deliberation, “the ancient constitution, by recognizing custom, and the modern constitution, by overriding custom, both claim to rest on the agreement of the people.” (James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), 60-61)



of self government appropriate to the recognition of cultural diversity. The sovereignty of the people is in some way denied and suppressed, rather than affirmed and expressed, in the existing constitutional forms, thereby rendering unfair the daily politics that the constitution enframes.”<sup>109</sup> Constitutionalism, in general, fails to create a space for cultural diversity to exist. As in the case of indigenous peoples, constitutionalism excludes them from entering (on equal bases) the political realm. This failure consequently turned into policies of exclusion, assimilation, and in more extreme examples, extermination meant to bring diversity “in line with the norm of one nation, one state.”<sup>110</sup>

### Modernization and Modernity

In the present study modernization and modernity are broadly seen as products of the modern period. Not all historians would agree, however, with the unilinear periodization of history and many have warned against the elusive spells of periodization.<sup>111</sup> For the purpose of the present study, though, the periodization of historical events will make it easier to visualize certain historical narratives.

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<sup>109</sup> James Tully, *Strange Multiplicity*, 5.

<sup>110</sup> James Tully, *Strange Multiplicity*, 7-8, 10. Tully further contends that “To presuppose that the initial conditions of popular sovereignty are a state of nature, a veil of ignorance, a set of European traditions and institutions, or an already existing national community is to beg the question of the politics of recognition. It dispossess Aboriginal peoples of their constitutions and authoritative traditions without so much as a hearing and inscribes them within the Eurocentric convention of modern constitutionalism.” (James Tully, *Strange Multiplicity*, 82).

<sup>111</sup> H. Jerry Bentley, “Cross-Cultural Interaction and Periodization in World History,” *American Historical Review* Vol. 101, No. 3 (1996): 749. For a discussion on the problems and issues surrounding periodization and Euro-centric periodization see William A. Green, “Periodization in European and World History,” *Journal of World History* Vol. 3, No. 1, (1992): 13-53.

Furthermore, in the present study the term *modernization* is not associated with post-WWII social evolutionism advocated by scholars like American sociologist Talcott Parsons; and therefore with the Parsonian model of development, which became dominant in the modernization theory of the 1960s advocating for politics of development and nation building. Modernization is, instead, used to describe a historical dynamic understood as “the process of becoming modern,” or, as explained below, leaving tradition and entering modernity.<sup>112</sup>

### *Modernization*

What are the defining characteristics of the modern period and why are they so important to this study? The simple answer to this question is: modernization had a profound impact on the course and quality of the transformation from feudal to modern. As such, and in very broad terms, one can summarize the events that defined this period beginning with European Exploration and Colonization of the “new world” and the creation of a world system of communication and exchange across the globe, from the Atlantic to the Indian and Pacific Oceans. Here, we see important shifts in demographic growth, new technologies, and in the politics and economics of European societies.

The introduction of new food crops from the Americas to Europe, Africa, and Asia improved diets and impacted population growth. New technological development, such as the microscope, the telescope, and the thermometer, coupled with the so-called Scientific Revolution, began to spread the seed of discontent, in Europe, which fueled by

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<sup>112</sup> Steve Bruce, and Steven Yearley, *The Sage Dictionary of Sociology* (London; Thousand Oaks, Calif.: SAGE, 2006), 201.

the Enlightenment brought about religious and political discord depicted by the Reformation and the ensuing Religious Wars of the 1600s. From the ashes of the Thirty-Year Wars came the territorial state with its inviolable sovereignty. At this point there was a redistribution of power and the dislocation of the “*Ancien Régime*,” with its feudal vestiges, whereby power was moving from the periphery to the center. Kings legitimized, consolidated, and centralized their rule, initiating a period of absolutism in Europe and with it the bureaucratization of their domains. One of the most evident examples of these changes was the increased power of the King to tax his subjects; something that in constitutional England led to a civil war and the decapitation of Charles I in 1649. While, in Sweden, beginning with the reign of Gustav Vasa (1523) the Sámi came under direct taxation of the crown, removing the Birkarls’ taxation privileges.<sup>113</sup>

Transoceanic trade and the emergence of maritime empires built on international trade also changed domestic and international economics. Mercantilism became the economic and political system in which the power of the state was maximized and allowed rulers to control their domestic economies. The opening up of the world’s oceans also introduced a newfound wealth in the commercialization of commodities and the capitalization of wealth through investments and ventures; that is, proto-capitalism.

Following the proto-industrialism of the late 1700s, the Industrial Revolution may be seen as the final act of the modern age bringing with it drastic and radical changes

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<sup>113</sup> As found in Gunlög Fur, “Already during the Middle Ages, traders sought contact and demanded tribute from the Saamis. The thirteenth and fourteenth centuries marked the beginning of trade between Saamis and birkarls. These were farmers and merchants living along the Bothnian coast. In accordance with letters of royal privilege, they formed trading families with a monopoly on trade and taxation in the lappmarks.” (Gunlög Fur, *Colonialism in the Margins*, 51-52).

represented by what is sometimes referred to as *modernity*. Not since the so-called Agricultural Revolution of the latter part of the prehistory period had there been such profound changes in society. The dramatic revolutionary changes that began in England in the 1780s, by the 1830s had pervasive socio-political and economic repercussions, following the Napoleonic Wars, across Europe proper too.

From the mid-1800s onwards, classical liberalism was largely becoming a viable answer to the current state of affairs and England was at the forefront with its push towards free trade under the auspices of a *Pax Britannica*; replacing the Mercantilism of earlier centuries. The forcefulness of these changes introduced a new attitude of individualism, curiosity, and a drive for personal achievement that set the nineteenth century apart; here liberalism became generally the driving force broadly advocating “the primacy of the freedom of the individual and, relatedly, individual choice.”<sup>114</sup> Liberalism, did not, however, emerge as a natural substitute or replacement of the *Ancien Régime*. On

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<sup>114</sup> Razeen Sally, *Classical Liberalism and International Economic Order: Studies in Theory and Intellectual History* (London: Routledge, 1998), 16. Sally defines liberalism as follows: “Let us revisit the core value of liberalism, individual freedom. In the first instance, classical liberalism defines individual liberty negatively and seeks to secure it in rules of law: binding rules proscribe certain actions that interfere with individuals’ delimited private sphere, particularly their property, in order to protect them from arbitrary coercion; but this still leaves them free to act in any way not specifically forbidden. As long as someone stays within the limits of the law, he is perfectly free to ‘pursue his own interest his own way’, according to Adam Smith. Moreover, this latitude of action encompasses a positive aspect of individual freedom, for, acting in his own interest, or that of his family, friends or acquaintances, man discovers an inestimably vast range of present and future actions, allowing for the powerful expression of his individuality in all departments of life. Thus, classical liberalism defines individual freedom negatively, but it is also positive in that individuals use their freedom to do many different things in different ways, out of which social progress occurs. In the sphere of economic transactions, this translates into the freedom to produce and consume goods and services—the basis of a social order comprising an extensive division of labour and market exchange. Hence the normative core of classical liberalism is the approbation of economic freedom or *laissez faire*—Adam Smith’s ‘obvious and simple system of natural liberty’—out of which spontaneously emerges a vast and intricate system of cooperation in exchanging goods and services and catering for a plenitude of wants.” (Ibid., 17). This definition paints a compelling ideological context in which the modern state and indigenous peoples were operating and the way liberalism may have fallen short of meeting indigenous needs.

the contrary, together with nationalism and socialism, liberalism had to contend and fight the post-Napoleonic conservatism of Metternich for its survival and eventually winning the ideological battle by the late 1800s; and in some instance well into the 1900s.

Modernization thus provides the environment in which the intellectual boundaries, societies, politics, communication, economies and means of exchange, and identities underwent innovative transformations. Defining modernization is, according to Cyril Edwin Black, a difficult and complex task. Nonetheless Black provides a general definition of modernization that he describes as

the process of rapid change in human affairs since the scientific revolution ... 'modernization' may be defined as the process by which historically evolved institutions are adapted to the rapidly changing functions that reflect the unprecedented increase in man's knowledge, permitting control over his environment, that accompanied the scientific revolution.<sup>115</sup>

Alberto Martinelli's definition of modernization may span somewhat beyond the scope of this study, and perhaps it may even come close to Parsonian modernization theory, yet it fits well within Black's definition and together they represent a plausible working definition for this study: "The process of modernization connotes, in other words, the sum of interconnected changes from which emerges a distinctive type of social organization and civilization – the 'modern society'."<sup>116</sup>

So modernization helps to describe the "process of rapid change," which transformed the human environment allowing for the emergence of the modern state,

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<sup>115</sup> Cyril Edwin Black, *The Dynamics of Modernization*, 5, 7. This, however, according to Black, is not to be confused with conceptualizing modernization in terms of "the political and social changes accompanying industrialization" nor as having a "culture-bound or deterministic character" (Ibid., 7).

<sup>116</sup> Alberto Martinelli, *Global Modernization: Rethinking the Project of Modernity* (London: Sage, 2005), 10-11.

modern society, and the modern economic system; slowly consolidating their position over more traditional institutions. As such, the modern state and all that it implied did not emerge in isolation. On the contrary, the modern state ought to be seen as a dynamic development taking shape in an equally dynamic and permutable system.

### *Modernity*

Although there is a certain level of intellectual overlapping between modernization and modernity, I believe the former “refers [more] to the transitional process of moving from ‘traditional’ or ‘primitive’ communities to modern societies,” while the latter, refers to “the underlying institutional processes such as a capitalist market economy, a bureaucratized state, a technologically advanced economy, and a mass communication media, but which is also associated with certain forms of consciousness, one of which is the idea of technical rationality as the sole form of rationality.”<sup>117</sup>

Modernity, or the modern, for Marx brought the “onslaught of capitalism,” where Weber saw the modern world as imposing an “ever-increasing rationalization,” and where Durkheim saw the challenges of “the anomic conditions of liberal individualism.”<sup>118</sup> In other words, modernity had a cultural disaggregating effect, placing

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<sup>117</sup> Robert Shilliam, *Modernity and Modernization* (In Denmark, Robert Allen (Ed.). The International Studies Encyclopedia. Chichester, West Sussex, U.K.: Wiley-Blackwell, 2010), 5215; Nicholas J. Entrikin, *Place, Region, and Modernity* (In Agnew, John A., and James S. Duncan. The Power of Place: Bringing Together Geographical and Sociological Imaginations. Boston: Unwin Hyman, 1989), 31.

<sup>118</sup> Martin O’Brien, Sue Penna, and Colin Hay, *Theorising Modernity: Reflexivity, Environment, and Identity in Giddens’ Social Theory* (London: Longman, 1999), 2. O’Brien adds that what has in the past been labeled *modernity* “is effectively ‘western modernity’: an arrangement of social life that is sexualized, racialised and embodied; partial rather than universal, fragmented rather than united [and understood] as inextricably intertwined in mutually constitutive practices and structures in the ongoing reiteration of a project of political and cultural domination.” (Ibid., 4). On the other hand, Floya Anthias adds, “Giddens deploys a universalising notion of ‘we’, related to modernity. However, western modernity, with its

the new modern society in a state of atomized homogeneity. Similarly, for Anthony Giddens modernity is seen as:

roughly equivalent to ‘the industrialised world’, so long as it be recognised that industrialism is not its only institutional dimension. I take industrialism to refer to the social relations implied in the widespread use of material power and machinery in production processes. As such, it is one institutional axis of modernity. A second dimension is capitalism [*sic*], where this term means a system of commodity production involving both competitive product markets and the commodification of labour power. Each of these can be distinguished analytically from the institutions of surveillance, the basis of the massive increase in organisational power associated with the emergence of modern social life. Surveillance refers to the supervisory control of subject populations, whether this control takes the form of ‘visible’ supervision in Foucault’s sense, or the use of information to coordinate social activities.<sup>119</sup>

Putting it differently, *modernity* is the transformation of “institutions and modes of behavior” based on the emergence of industrialism stirred by a capitalist economy composed by nation-states ruled by a modern centralized and bureaucratized surveillance state where all social activities are controlled and homogenized in accordance to a mechanized rationality.

John Gerard Ruggie associated modernity with “what Andreas Huyssen [labeled], a ‘slowly emerging cultural transformation in Western societies.’ By transformation it is meant the changes brought about by modernity, or what Jürgen Habermas, quoted in Ruggie, calls the ‘project’ of modernity ... i.e., systematic efforts ‘to develop objective

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universalising and hegemonic discourses, has been a product of the exploitation of ‘subaltern’ peoples and cultures and therefore the term modernity needs to be used with caution. (Floya Anthias, *Theorising identity, difference, and social divisions* (In O’Brien, Martin, Sue Penna, and Colin Hay (Ed.). *Theorising Modernity: Reflexivity, Environment, and Identity in Giddens' Social Theory*. London: Longman, 1999), 156).

<sup>119</sup> Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, Calif: Stanford University Press, 1991), 14-16.

science, universal morality and law, and autonomous art, according to their inner logic.”<sup>120</sup>

Here modernity is taken as a process of change and transformation for the betterment of the human condition. “Demystifying and secularizing” both nature and society, and in the process breaking away from tradition, was seen as a necessary condition for the success of this paradigm shift.<sup>121</sup>

The paradigm shift, however, occurs only when tradition is forfeited. Ted Benton writes that modernity is marked by “its restless dynamism, and its ruthless undermining of tradition [seen as a] paradigmatically modern shift away from localised, face-to-face forms of organisation of social life.”<sup>122</sup> It is in these “paradigmatic” processes that “societies are made and remade by reflexive agents, the relationship between the social and the natural and the formation and maintenance of identities;” in other words, the restructuring of individualism, identity, society, but also nature.<sup>123</sup>

In modernity traditions and traditional practices are “re-grooved”, according to Martin O’Brien quoting Giddens, to fit new modern expectations: “In the plastic world of

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<sup>120</sup> John G. Ruggie, “Territoriality and Beyond,” 145.

<sup>121</sup> John G. Ruggie, “Territoriality and Beyond,” 145.

<sup>122</sup> Ted Benton, *Radical politics – neither Left nor Right?* (In O’Brien, Martin, Sue Penna, and Colin Hay (Ed.). *Theorising Modernity: Reflexivity, Environment, and Identity in Giddens’ Social Theory*. London: Longman, 1999), 41.

<sup>123</sup> Martin O’Brien, Sue Penna, and Colin Hay, *Theorising Modernity*, 15-16. Key to these paradigmatic shifts is the notion of *reflexivity*. For instance in Giddens, reflexivity is understood as a post-traditional form, both in terms of “conduct, and knowledge and meaning” is the medium through which the “systemness on the level of social integration ... produces the structures, or restructuring properties, of the social world.” For further reading and explanation on reflexivity see Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Stanford, Calif: Stanford University Press, 1991, and for an analysis of Giddens’ notion of reflexivity see O’Brien et al., chapters one and four.



modernity, social conduct is the bending or ‘regrooving’ of practice and tradition, internal and external nature, identity and environment in the recursive reproduction of institutional and everyday life.”<sup>124</sup>

In the process of de-traditionalization, writes Nicos Mouzelis, traditional societies with their inherent certainties “were replaced, at least in part, by the collective certainties of class, party, and nation, and to some extent such configurations were able to provide non-traditional, extrinsic mechanisms of self-regulation and identity formation.”<sup>125</sup> In the new socio-cultural and emotional landscape indigenous peoples were being caught between two cultures; their vanishing traditional culture and the emerging modern culture.<sup>126</sup>

Modernity removes diversity and imposes standardizations and homogeneity. According to Tully, quoting Emmanuel Joseph Sieyès, most commonly known as the Abbé Sieyès, modernity is marked by the emergence of a “one-dimensional order” where the “particular wills of constituents must be submitted to the general will of the nation, or

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<sup>124</sup> Martin O’Brien, *Theorising modernity: Reflexivity, identity and environment in Giddens’ social theory* (In O’Brien, Martin, Sue Penna, and Colin Hay (Ed.). *Theorising Modernity: Reflexivity, Environment, and Identity in Giddens’ Social Theory*. London: Longman, 1999), 24.

<sup>125</sup> Nicos Mouzelis, *Exploring post-traditional orders: Individual reflexivity, ‘pure relations’ and duality of structure* (In O’Brien, Martin, Sue Penna, and Colin Hay (Ed.). *Theorising Modernity: Reflexivity, Environment, and Identity in Giddens’ Social Theory*. London: Longman, 1999), 83-84.

<sup>126</sup> “Traditional orders are characterized by codes of ‘formulaic truth’ that routinise social conduct in a meaningful, emotionally satisfying manner. Following traditional rules and routines gives dignity to their adherents and moral authority to those who guard and interpret such rules. ‘Detraditionalization’, on the other hand – via such processes as disembedding, increase of mediated experience, pluralisation of life-worlds, and the emergence of contingent knowledge – creates a situation where routines lose their meaningfulness and their unquestioned moral authority. They become mindless habits or compulsions that may give temporary relief from the insecurities of the late modern life, but cannot and do not lead to a meaningful existence.” (Nicos Mouzelis, *Exploring post-traditional orders*, 83).

no unity will emerge;” where linguistic or diverse regional customs were being swept away (intentionally or not) by historical development (steered by modernity); where policies were put forward “to break down the anachronistic customs of backward citizens and immigrants and reform them so that they acquired the manners and policy of a civilised and enlightened age, meaning ‘sociability’.”<sup>127</sup> This reformation, however, goes beyond “sociability,” the homogenization of difference also entailed assimilation, whether encouraged or forced, which, in the nineteenth century, meant “the complete eradication of cultural distinctions.”<sup>128</sup>

The new modern subject, according to Tully, is the product of policies of re-making, where “the broader policies by every modern nation [was] to manufacture a homogeneous national identity.<sup>129</sup> Modernity, thus, meant the parting from tradition and the extirpation of diversity from the social fabric leading to modern societies characterized by “modern men,” later by “modern citizens,” defined by a “modern identity.”

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<sup>127</sup> James Tully, *Strange Multiplicity*, 86-87.

<sup>128</sup> Steve Bruce, and Steven Yearley, *The Sage Dictionary of Sociology*, 2. But what is assimilation? Nathan Glazer provide a workable definition in his article “*Is Assimilation Dead?*” where within an American context it means the Americanization of the foreign or “the assimilation of the different elements, the ‘smelting pot,’ [or] the ‘melting pot,’ ... The groups were to be more than melted, smelted, as in two or more metals becoming one ... Americanization is the science of racial relations in America, dealing with the assimilation and amalgamation of diverse races in equity into an integral part of the national life. By ‘assimilation’ is meant the indistinguishable incorporation of the races into the substance of American life. By ‘amalgamation’ is meant so perfect a blend that the absence or imperfection of any of the vital racial elements available, will impair the compound. By ‘an integral part’ is meant that, once fused, separation of units is thereafter impossible. By ‘inequity’ is meant impartiality among the races accepted into the blend with no imputations of inferiority and no bestowed favors.” (Nathan Glazer, “*Is Assimilation Dead?*” *Annals of the American Academy of Political and Social Science* Vol. 530 (1993): 125-127).

<sup>129</sup> James Tully, *Strange Multiplicity*, 88, 89.

Identity thus changes with modernity and eventually becomes the exact antithetical equivalent to traditional identity, and in turn, to the identity of indigenous peoples everywhere. Floya Anthias believes that “In post-traditional society this [change] is linked to the breakdown of solid social bonds such as kinship, property and place, which also relate to the minimisation of stable stages of life progression, such as childhood, marriage, children, and the traditional life cycle.”<sup>130</sup> Modernity, therefore, transforms the individual’s perception of the self, which in turn affects the norms and values that (re)defined (modern) society.

The “modernization” of society meant a restructuring of differentiation and stratification in the modern social order.<sup>131</sup> Floya Anthias makes a striking point where differentiation is not necessarily equal to inequality and exclusion: “The recognition of difference and diversity, both at the theoretical and political levels is not equivalent, however, to the concern with inequality, disadvantage, and exclusion – key features of social divisions in society.”<sup>132</sup> Difference seems to be a by-product of the homogenizing effect of modern “stateness.” Perhaps the emergence of this “atypical” form of suzerainty (i.e., the modern state) with its infiltrating and colonizing nature compelled the emergence of difference and stratification pushed to the fore by individual needs of self-

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<sup>130</sup> Floya Anthias, *Theorising identity*, 157-158.

<sup>131</sup> Floya Anthias, *Theorising identity*, 159.

<sup>132</sup> Floya Anthias, *Theorising identity*, 159. Anthias adds, “Difference is not static nor politically neutral. It may be the case that challenging dominant ethnic, gender, and class-based cultural constructs is part of the struggle toward fighting inequality and subordination, but the right to difference can also be turned on its head ... Difference may be constructed therefore as an ideological weapon; it should never be treated as a mere empirical fact.” (Ibid., 161).

identification. Categories of differentiation and stratification, often taking the form of exclusionary mechanisms, defined the discourses and outcomes of social relations.<sup>133</sup>

Anthias describes these categorizations as: i) the principle of hierarchization; ii) the principle of unequal resource allocation; and iii) the principle of inferiorization.<sup>134</sup>

Although Anthias believes that differentiation and stratification do not necessarily need to be associated with inequality, disadvantage, and exclusion, these same processes can explain the nature of what is *normal* and what is *abnormal*. In other words, civil and uncivil, or cultured and savage, or as expressed in Anthias:

At the same time ... normality and pathology become ascribed to individuals with these categories in two way. One is that the 'Other' becomes pathologised. The second is that individuals who do not perform the ascribed roles in a satisfactory way also become pathologised. In the first way pathology is seen as endemic to particular categories (Blacks, ethnic outsiders, women). In the second way, pathology is derived from failing to perform adequately the appropriate roles imputed to a particular positionality.<sup>135</sup>

Performance, however, is prejudicated by the dissonance between tradition and modernity. Indigenous people are caught in-between, which determine their "positionality" in the greater society. At this point indigenous peoples find themselves more and more at odds with the emerging modern social landscape. A landscape, that is eradicating tradition and replacing it with a synthetic, or compounded, social web processed by mechanized human agency.

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<sup>133</sup> Floya Anthias, *Theorising identity*, 165.

<sup>134</sup> Floya Anthias, *Theorising identity*, 165.

<sup>135</sup> Floya Anthias, *Theorising identity*, 167. Here, Anthias also points out that the "Logic of extermination may be applied where the threat of the 'Other' is seen as too great and/or complete dehumanisation of the group has taken place." (Ibid., 163) Worth noticing is that Sweden never engaged in policies of extermination as it existed in countries like the United States, Argentina, and Chile. These countries did in fact have covert or overt policies of solving the Indian question through forced relocation and military campaign, which resulted in the "attempted" genocide of their respective indigenous populations.

## Territoriality, Space, and the Politics of Geography

The constitution of a mutually exclusive territorial state redrew the maps of Europe and much of the rest of world. Territoriality is, however, much more than just a delineated piece of land. In fact, there has been a historical and dialectical shift from land or possessions, meaning *territory*, to progressively entailing territoriality, which, according to Robert D. Sack, is seen as “an often indispensable means to power at all levels: from the personal to the international.”<sup>136</sup> Territoriality, continues Sack, works within a socio-political context: “on how space in general is used and conceived as well as on who is controlling whom and for what purposes. This means that the history of territoriality is closely bound to the history of space, time, and social organization.”<sup>137</sup>

In this fluxing environment, political geography is a central theme. Although, the politics of geography were not novel to the emerging modern state, with the advent of the territorially bound state, geography, and the politics within, comes to play a more central role. In fact, if prior to 1648 geography did not necessarily influence the survival of the state, post-1648 *geography* came to define the state proper.

As such political geography, or by the late 1800s geo-politics, defined “the geographical distribution of power, how it concentrates in some hands and some places, the human and environmental consequences of such concentration, and how it shifts

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<sup>136</sup> Robert D. Sack, *Human Territoriality: Its Theory and History* (Cambridge [Cambridgeshire]: Cambridge University Press, 1986), 1.

<sup>137</sup> Robert D. Sack, *Human Territoriality*, 52.

between places over time ... how geography is informed by politics.”<sup>138</sup> These “politics of geography” in practice translated into enforcing border divisions, protecting borders, and in policies stirred by notions of “manifest destiny.”

On the other hand, territory and territoriality, write John Agnew and Stuart Corbridge, do not necessarily need to be territorial or territorially fixed, meaning: “need not be either territorial, where geographical boundaries define the scope of membership in a polity a priori (for example, in kinship or clan systems space is occupied as an extension of group membership rather than residence within a territory defining group membership as in territorial states), or fixed territorially (as with nomads).”<sup>139</sup> Social or political organization, according to Agnew and Corbridge, has existed aside and beyond territory and this should not be forgotten. On the other hand, we should not either forget that despite the validity of this argument the prevailing post-1648 trend was universally to make territory and territoriality the defining characteristic of the modern state and was also seen as the primary source of legitimacy of the state. In such a context, kinship, clan belongingness, and nomadic practices no longer presumed the occupation of a particular space, and were no longer feasible alternatives within the new system of fixed territory. In the case of the Sámi or the Indian Americans it meant that a sparse sense of territoriality or non-territorially bound spaces were incongruent within the new territorially bound landscape.

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<sup>138</sup> John Agnew, and Luca Muscarà, *Making Political Geography* (Lanham, MD: Rowman & Littlefield, 2012), vii, 1.

<sup>139</sup> John A. Agnew, and Stuart Corbridge, *Mastering Space*, 78-79.

Understanding the relation between, and the implications of, political geography, territoriality, and space (that is, its production, maintenance, and reproduction) is vital in explaining two mutually opposing entities: the emergence of the modern territorial state and the transformation of the indigenous (occupying predominantly nature's landscape), into an *indigenous Other* inhabiting a socio-political and economic limbo.

The common denominator here, according to John Agnew and Luca Muscarà, is politics, which “concretely organizes the spaces of liberty, citizenship, law enforcement, and institutional efficacy. Politics extends the spaces of domination, traces lines of exclusion, designs internal and external borders, determines the centers and peripheries, the ‘highs’ and the ‘lows’, and articulates the spaces of production and consumption.”<sup>140</sup>

According to John Gerard Ruggie “The central attribute of modernity in international politics has been a peculiar and historically unique configuration of territorial space.”<sup>141</sup> We must first acknowledge this “unique configuration of territorial space” before talking about an indigenous conception of territory and space. It is this “unique configuration” (meaning the territory-bound state) that changes the domestic and international system in which modern states were evolving and interacting with each other. It was thence within these same conceptual frameworks that notions of indigenous territory and space were translated, interpreted, and applied to the territorially bound international system.

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<sup>140</sup> John Agnew, and Luca Muscarà, *Making Political Geography*, 2.

<sup>141</sup> John G. Ruggie, “Territoriality and Beyond,” 144.

The translation and interpretation of indigenous territory and space must also be understood within the emerging competitive, risk-taking, entrepreneurial classes:<sup>142</sup> “transformation in capitalist production relations is merely one specific expression of a reconfiguration in social space-time experiences to a degree not witnessed since the Renaissance.”<sup>143</sup> In other words, the emergence of a political economy that would transform and reorganize not only the existing political space, but redraw the system of territorial states.<sup>144</sup>

In the past, politics may “need not be territorial at all ... need not be territorially fixed [nor these needed to] entail mutual exclusion.”<sup>145</sup> For instance, in Strayer and Munro we find that in medieval Europe power or jurisdiction was non-exclusive and was characterized by a “patchwork of overlapping and incomplete rights of government [where] One vassal might have jurisdiction over a road, but not over fields through which

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<sup>142</sup> Interesting to see is the way economic and financial motives are often omitted from the framework of analysis. In this instance, if we take Ruggie’s stand on the importance of political economy as an instrumental force in the shaping of the modern system of territorial states and their approach to indigenous concepts of territoriality: “Some of the new economic historians want to go further, however, to imply that the modern system of states resulted directly from this process because the state represented the optimal size of political units that was required to provide efficient property rights and physical security. Smaller units simply ‘had to grow’ ... In the economic realm, this drive for juridical expansion is said to have come, on the demand side, from a desire for efficient property rights, which would reduce the discrepancy between private and social rates of return. On the supply side, expansion, they argue, was driven by the fiscal interests of rulers for higher revenues. In the security realm, new weapons technology and a shift in advantage to the offense allegedly drove the desire for larger and fiscally more capable political formation.” (John G. Ruggie, “Territoriality and Beyond,” 155-156).

<sup>143</sup> John G. Ruggie, “Territoriality and Beyond,” 147.

<sup>144</sup> John G. Ruggie, “Territoriality and Beyond,” 147.

<sup>145</sup> John G. Ruggie, “Territoriality and Beyond,” 149.



it ran;” as found in Ruggie, “inextricably superimposed and tangled.”<sup>146</sup> Exclusivity and homogenization of power and legitimacy, within a specified territorial, and by extension political, space redefined the structure and purpose of the state. Consequently, “the modern system of territorial rule,” where the restructuring of the “territorial space is the familiar world of territorially disjoint, mutually exclusive, functionally similar, sovereign states,” meant the “consolidation of all parcelized and personalized authority into one public realm” with two “spatial demarcations: between public and private realms and between internal and external realms.”<sup>147</sup>

Consequently, indigenous peoples’ current status needs to be seen through a series of complex processes where territory turned into territoriality, where a once fixed or static space, turned into a dynamic and state-controlled realm. Meaning, politics was the catalyzing agent that redefined membership and socio-political, economic, and cultural ties.

### *Territoriality*

These new modern forms of spatial differentiation came at odds with existing indigenous spatial and territorial realities. It does not really matter whether one looks at notions like *terra nullis*, non-territorial spatial extension, or as found in Ruggie, at the “sovereign

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<sup>146</sup> Joseph R. Strayer, and Dana C. Munro, *The Middle Ages, 395-1500* (New York: Appleton-Century-Crofts, 1970), 114; John G. Ruggie, “Territoriality and Beyond,” 149.

<sup>147</sup> Quotations are from John G. Ruggie, “Territoriality and Beyond”, 151. Furthermore, in modernity, politics is no longer only a matter of rule, but rather a matter of “the distinctive feature of the modern system of rule is that it has differentiated its subject collectivity into territorially defined, fixed, and mutually exclusive enclaves of legitimate dominion.” (John G. Ruggie, “Territoriality and Beyond”, 151).

importance of movement.”<sup>148</sup> As dismally as this may sound, indigenous spatial and territorial realities were being reinterpreted in light of the crystallization of the modern state and of the ensuing aggregation of territorially-based political and economic power augmented by an even greater material and technological power.

As it happened in the case of the Sámi where “Ten thousand years of human habitation is thus erased [and] the land is devoid of signification.”<sup>149</sup> In these contexts territorial politics were redefined to fit modern-state narratives, while the dialectical system in which these narratives occurred was dichotomized between notions of static versus shifting territoriality. An example of such narrative is particularly evident with the onset of colonialism where indigenous lands were recognized to be no more than virgin, uninhabited, uncharted, unclaimed lands (meaning: not delineated by a political boundary) open to conquest and civilization.<sup>150</sup>

The question then should be asked whether in pre-colonial times one could talk of an indigenous territory. Kristiina Karppi looks at the Sámi and their conceptualization of territoriality and of territory and argues that such a question cannot be tackled from a mono-dimensional perspective. The conceptualization of territory and territoriality is far

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<sup>148</sup> John G. Ruggie, “Territoriality and Beyond,” 149. Ruggie adds, “systems of rule need not be territorially fixed. Owen Lattimore’s work on nomadic property rights is of relevance here. Writing of Mongol tribes, Lattimore pointed out that no single pasture would have had much value for them because it soon would have become exhausted. Hence, driven by what Lattimore called the ‘the sovereign importance of movement,’ the tribes wandered, herding their livestock. But, they did not wander haphazardly: ‘They laid claim to definite pastures and to the control of routes of migration between these pastures.’ Accordingly, ‘the right to move prevailed over the right to camp. Ownership meant, in effect, the title to a cycle of migration.’ The cycle was tribally owned and administered by the prince.” (Ibid.).

<sup>149</sup> Troy Storfjell, “Mapping a Space for Sami Studies,” *Scandinavian Studies* Vol. 75, No. 2 (2003): 157.

<sup>150</sup> Troy Storfjell, “Mapping a Space,” 155.

too complex and varied that a multi-dimensional approach is needed. She starts with a working definition of territoriality and of territory: “[Territoriality] is an attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by eliminating and asserting control over a geographic area [while a territory is] the realization or image of this strategy.”<sup>151</sup> This realization means that when attempting to define what constituted, for instance, Sámi territory one cannot make use of a colonial, or modern, classification; that is, a mono-dimensional approach. In its stead, what is needed is a reconceptualization, one that takes into account the Sámi notion of territoriality and that of territory; meaning, a multi-dimensional approach. In this sense Karppi sees Sámi territoriality as:

The Sami territoriality was historically based on the siida (or Lapp village) system, which was more flexible, diffuse and negotiable than the fixed territoriality of the states ... The Sami area was divided into siida territories with their won resources, administration, social system and customary rules for resource use ... Siida social structure was flexible concerning group membership, and the nuclear unit of the siida was a family ... studies have shown that these families within a siida had their own rights to a certain land, i.e., the Sami system combined private and collective ownership to the land ... the fact that this territoriality has collided with the exclusive fixed state territoriality has subjected the Sami to assimilation during different periods of time.<sup>152</sup>

Indigenous notions of territoriality are thus affected by western interpretation of what territoriality ought to be. On the one hand, we have the presumption that the Sámi did not have a concept of land-ownership, and on the other hand, we are convinced that the absence of land-ownership prejudicates the existence of Sámi territoriality. We now know, however, that this is a false assumption. The Sámi, as well as in the case of the

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<sup>151</sup> Kristiina Karppi, “Encountering Different Territorialities: Political Fragmentation of the Sami Homeland,” *Tijdschrift voor Economische en Sociale Geografie* Vol. 92, No. 4 (2001): 396.

<sup>152</sup> Kristiina Karppi, “Encountering Different Territorialities,” 396-397.

Indian Americans, were not mere nomads without any sense of land rights, on the contrary, the reclaiming of seasonal pastures and the existence of localized sedentary life show that a concept of territoriality and of territory did exist.

Similarly, Sack looks at the conceptualization of territory and of territoriality in North America by using the example of the Chippewa Indians (Ojibwe or Ojibwa, one of the largest group of Native Americans or First Nations in North America). Sack makes an interesting point in his analysis of territorial uses by this Native American group. The Chippewa were primarily hunter-gatherers with some limited agricultural practices (maize and squash) covering a large extent of territory stretching from modern day Lake Erie and Ontario across the Great Lakes regions all the way into the northern parts of Minnesota, Wisconsin, North Dakota, and from Quebec through Ontario, Manitoba, and Saskatchewan. The social composition, or unit, of the Chippewa, according to Sack, not counting the family, changed seasonally. During the warmer season, the bands reconstituted villages and the normal social, cultural, and economic activities began again. Although membership within the band was voluntary, and the Chippewa occupied a vast area, their habitation was never clearly bounded and fluctuated from year to year; being doubtful that they would possess a map of their collective domain.<sup>153</sup> Put differently, because of its fluid and unbounded conceptualization of territory and of territoriality, the Chippewa land (i.e., territory) was not used to primarily define who they were. For Sack, “At the time of European contact ... these people were hardly territorial as a ‘nation’, although they may have been occasionally territorial as individual bands or as families

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<sup>153</sup> Robert D. Sack, *Human Territoriality*, 6-7.

within bands [asserting] control over an area was often imprecise, seasonal, and strategic.”<sup>154</sup> So, for the Chippewa, the relationship between territory and social organization was not necessarily derived from a mono-directional process. Here, Chippewa territoriality may have *ad hoc* altered the social organization of bands or nations. Their social organization, however, might have at times also redefined their understanding of territoriality.

Arguments for or against indigenous territorial rights have been, for the most part, built upon similar reasoning and currently proponents of these rights argue that the right is founded on such ascribed and primordial foundations given at birth and traced back to pre-colonial times. Russel L. Barsh, looks at indigenous territorial rights in international law as being derived from “historical continuity” meaning “having historical continuity with pre-invasion and pre-colonial societies ... Culture, language, ancestry and occupation of the land all constitute evidence of [this] continuity.”<sup>155</sup> In the case of the Sámi, for instance, the evidence shows that prior to the formation of Sweden the Sámi did inhabit the contested territories and did have a common (or more communal) understanding of both land-occupation/rights and of territoriality; hence, ascribed by “historical continuity.”<sup>156</sup>

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<sup>154</sup> Robert D. Sack, *Human Territoriality*, 8.

<sup>155</sup> Russel Lawrence Barsh, “Indigenous Peoples: An Emerging Object of International Law,” *American Journal of International Law* Vol. 80, No. 2, (1986): 374.

<sup>156</sup> Matthew Baigell believes that “Indians were here first, and it was their land upon which Americans contracted, squabbled, and reasoned with one another.” Baigell suggests that western art (images or literary texts) “helped decontextualize Native Americans from their own histories so that they could be reassigned the roles of savages and barbarians who blocked ‘progress’.” (Matthew Baigell, “Territory, Race, Religion: Images of Manifest Destiny,” *American Art* Vol. 4, No. 3/4 (1990): 3, 5).

Nonetheless, seen from a state centric perspective this ascribed historical continuity presented, and to a large extent still presents today, a puzzling problem; that of territorial and power fragmentation. The modern use of territory is, for Sack, “based most of all upon a sufficient political authority or power to match the dynamics of capitalism: to help repeatedly move, mold, and control human spatial organization at vast scales.”<sup>157</sup> While territoriality is for Sack defined in human terms as “a spatial strategy to affect, influence, or control resources and people, by controlling area ... Territoriality is intimately related to how people use the land, how they organize themselves in space, and how they give meaning to place.”<sup>158</sup> Territoriality for Sack represents a historical social construction to reshape space and redefying place in terms of the power relations.<sup>159</sup>

So, by referring back to Strayer, the modern state could not afford the puzzled non-exclusive territorial rule of the medieval period with its “overlapping rights.” The goal of the new state was the establishment of a “public realm” (more so in the 1800s than in earlier periods) that would transcend tradition and localism. This goal became a state’s enterprise during the formative years of modernity. Here, pervading state apparatuses were infiltrating all aspects of society redefining public and private spaces.

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<sup>157</sup> Robert D. Sack, *Human Territoriality*, 87.

<sup>158</sup> Robert D. Sack, *Human Territoriality*, 1, 2.

<sup>159</sup> Robert D. Sack, *Human Territoriality*, 3. Sack adds, territoriality is just one of the many existing forms of power: “Different societies use different forms of power. They have different geographical organizations and conceptions of space and place. Geographical landscapes and meanings change as societies change ... Spatial organizations and meaning of space have histories and so too do the territorial uses of space ... For example, territoriality in the modern world is often an essential means of defining social relationships.” (Ibid., 26-27). The latter is important here because indigenous societies did not seem to see territoriality as a means to define social relationships. As such territory, and consequently, territoriality came to define modern identity.

Once again, indigenous claims to land, identity, and other “vexing” demands were seen as preventing the state to achieve its “manifest destiny.”

### *Space*

Talking about space is more than just looking at a place in either geometrical or geographical terms. To political geographers, for instance, place is about space, and space is about politics.<sup>160</sup> As such, if space is about politics then one needs to understand how political units are formed, directed, and administered through sets of discourses that stir the actions and non-actions of the state. This process is, in other words, the act of creating, exerting, and recreating certain levels of power, or power relations. An example of this is found in the United States of America during the 1820s where the sentiments of the time began to question the various treaty obligations of the United States with Indian American Nations and were calling to reconsider the place of the Indian American within the greater American Republic.

Space can thus be understood in geographical, political, economic, and social terms. Foucault, for instance, looks at space in terms of power. Space is the realm where “economic-political” relations materialize, and where power relations are created and re-created.<sup>161</sup>

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<sup>160</sup> James S. Duncan, *The power of place in Kandy, Sri Lanka: 1780-1980* (In Agnew, John A., and James S. Duncan (Ed.). *The Power of Place: Bringing Together Geographical and Sociological Imaginations*. Boston: Unwin Hyman, 1989), 185.

<sup>161</sup> Michel Foucault, and Colin Gordon, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York: Pantheon Books, 1980), 149.

Henri Lefebvre, on the other hand, recognizes that space can be a socially constructed phenomenon.<sup>162</sup> Lefebvre's work is pivotal in mapping the processes of state's colonization of social space. The latter ought to be taken in tandem with the process of territoriality whereby once the state has secured its territorial integrity it moved onto consolidating its power structure by conquering the domestic spatial practices of society; meaning tradition and localism. For John Agnew and Stuart Corbridge: "only the state could guarantee the harmonization of society ... This in turn gave rise to the distinction between places inside the borders of the territorial state in which 'authentic politics' – the pursuit of justice and virtue – was possible, and the space outside where it was not."<sup>163</sup> By extension, only the state and its spatial representation could represent civility, justice, and virtues. Hence, everything or everyone outside the

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<sup>162</sup> Henri Lefebvre, *The production of space* (Oxford, OX, UK: Blackwell, 1991), 1-16. John Friedman, in Jean Hillier and Emma Rooksby (Ed.), quoting Arif Dirlik, exposes a definition of place, which in turn represents a sense of space: "In a ... theoretical reflection of the 'politics of place', Arif Dirlik argues the case for conceiving a 'place as a project' somewhat along the lines of what the 'modernist project' was in its dimensions of development, social analysis, and culture, only in a very different direction ... For Dirlik, place is a topographically and ecologically situated, inhabited space, a locality whose boundaries are porous, but even so, a particular world, with its own historical memory and shared understanding of itself." (John Friedman, *Place-making as Projects? Habitus and Migration in Transnational Cities* (In Hillier, Jean, and Emma Rooksby (Ed.). *Habitus: A Sense of Place*. Aldershot: Ashgate. Second Edition, 2005), 327).

<sup>163</sup> John A. Agnew, and Stuart Corbridge, *Mastering Space*, 85. Furthermore, "The fusion of the territorial state with society, therefore, is not necessarily an intellectual illusion ... Actual territorial states, based on a circumscribed territory, involve the creation of unified and homogeneous spaces in which various social practices – culture, knowledge, education, employment – are rationalized and homogenized. Making spatial exclusivity is vital to the incorporation of social practices under state regulation. But because space has been subordinated in some instances to the state and became, in Lefebvre's terms ... merely 'classificatory' and 'instrumental', the state's spatial unity and internal homogeneity were taken for granted as a 'reality' of social life in general ... The territorial state unthinkingly serves as the container of society. What better basis for its self-evident importance could there be?" (Ibid., 94).



homogeneity of the territorial space (such as incongruous indigenous nations) represented the antithesis of what was civilized, just, and virtuous.<sup>164</sup>

This spatial conquest can only occur, according to Scott, by making society “legible,” thus converting it into a language readable by the modern state and one that fits within the state’s project. For Lefebvre, this so-called translation occurs through the “dialectical character of codes” where “Codes will be seen as part of a practical relationship, as part of an interaction between ‘subjects’ and their space and surroundings.”<sup>165</sup> Within the modern state power relations are recodified, and hence reproduced, where the actions of individuals and the collective create and support the space in which they occur.

An example of such recodification is found in the remapping of indigenous culture and identity through extensive re-educational programs. A point in case is the Sámi, where the emergence of Sámi schools in the 1700s, coupled with often-futile attempts of Christianization, was revamped in the 1800s with better success than earlier attempts. Another example is found in the legal re-codification, through various Reindeer Acts, of Sámi identity. The importance of this legal re-codification is two-fold. On the

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<sup>164</sup> A similar distinction can be made between modern and pre-modern regime-types where the former was categorized as displaying a conscious sense of being above or better than the latter, or a more civilized form of governance. Paul Hirst, in Jean Hillier and Emma Rooksby (Ed.), looks at the pre-modern Ottoman Empire as an example of this distinction: “Other types of regime had little place within modern political theory, except as that against which it defined itself. The Ottoman Empire was perceived as a form of essentially arbitrary power, against which Western sovereigns could be seen as rulers bound to respect both the laws that they had made and the fundamental constitutional laws of the state ... It was only in the eighteenth century that the Ottoman state began to make normal treaties with other states and only in the mid-nineteenth century that it was accepted by other European states as a full member of the international system.” (Paul Hirst, *Politics: Territorial or Non-Territorial?* (In Hillier, Jean, and Emma Rooksby (Ed.). *Habitus: A Sense of Place*. Aldershot: Ashgate. Second Edition, 2005), 71).

<sup>165</sup> Henri Lefebvre, *The production of space*, 18.

one hand, it allowed for a diminution of individual who could claim indigenous status. On the other hand, it allowed for an aggressive assimilation of those who fell outside the new legal definition of Sáminess. In the case of the United States, attempts to Americanize the Indian American led to similar results as in Sweden; although these results were less promising than in Sweden. In both instances, though, the reconstructed “dialectical codes” were to emphasize, the nation, modernity, and the greater society, while downplaying, or outright discouraging, the group, the tribe, tradition, and indigenous society.

The emergence of capitalism as a dominant economic system remapped social space and reassigns places to three levels of reproduction, namely: “The advent of capitalism, and more particularly ‘modern’ neocapitalism has this state of affairs considerably more complex. Here *three* interrelated levels must be taken into account: (1) *biological reproduction* (the family); (2) the *reproduction of labour power* (the working class *per se*); and (3) the *reproduction of the social relations of production* – that is, of those relations which are constitutive of capitalism and which are increasingly (and increasingly effectively) sought and imposed as such.”<sup>166</sup> In tandem with modernity, capitalism not only disrupts traditional Sámi and Indian American means of production, but also redefines the reproduction of social relations to fit the modernization of society,

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<sup>166</sup> Henri Lefebvre, *The production of space*, 32.

and consequently attempts to reproduce indigenous identity to fit the capitalist economy.<sup>167</sup>

A final connection worth mentioning, one that has already been argued for and it is also supported in Agnew and Corbridge, is the connection between space and security. For the new territorial and sovereign state, space is closely connected with the concept of security, particularly in the field of international relations, where, according to Agnew and Corbridge, it comes to signify “the integrity of the state’s territorial space.”<sup>168</sup> For the authors, the connection between “security and spatial sovereignty has four consequences in international relation theory:” i) it has led to the definition of political identity in exclusively state-territorial terms; ii) it has led to a spatially exclusive definition of political identity, which resulted in a rigid separation between those people within the territorial space pursuing ‘universal’ values (politics) and those outside practicing different, and nominally inferior values; iii) it has led to view the actual ‘content’ of state territoriality, the security-spatial sovereignty nexus involves viewing the territorial state ‘not in its historical particularity, but abstractly, as an idealised decision-making subject’; and iv) the principle of state sovereignty ‘denies alternative possibilities because it fixes our understanding of future opportunities in relation to a distinction between history and progress within statist communities and mere contingency outside them.’<sup>169</sup>

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<sup>167</sup> An example of this is seen in the attempts to assimilate indigenous peoples through practices such as the Sámi Boarding Schools or Indian Mission or Training Schools, where natives were turned into productive members of society.

<sup>168</sup> John A. Agnew, and Stuart Corbridge, *Mastering Space*, 84.

<sup>169</sup> John A. Agnew, and Stuart Corbridge, *Mastering Space*, 86-88.

The birth of the territorial state and the creation of a spatial sovereignty did not allow anything outside the meaning of state-space to exist at par with the state itself. As such, the Sámi and the Indian Americans came to be more and more at odds with the modern territorial state. The Sámi and the Indian American's landscapes were transformed to fit the emergence of the modern state, and their contention to native lands and rightful status could no longer be upheld. Similarly, power and legitimacy shifted from the indigenous to the state. Indigenous peoples' way of life and very existence, useless to the modern state, was left to decay or it wither away into assimilationist policies and institutions.<sup>170</sup>

### *The Politics of Geography*

In these transformative times geo-politics become an important dimension that deeply affected state-indigenous relations. In other words, to what extent was geography a determining factor in the formation of state-politics toward indigenous people? The short answer would be substantially, where politics are no longer the sole agent shaping the world around us. Agnew and Muscarà's work looks into the "mediating effects of

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<sup>170</sup> An analogous example is found in James Duncan's account of the power of place in the Kingdom of Kandy, Sri Lanka from 1780-1980. Duncan's case-study shows how the coming of the British changed the essence of Kandy as a *locus* of power. Although, indigenous peoples have had a rather different experience within the colonial and post-colonial context, the way that place, space, and power was transformed to fit the new political necessities of the British imperial enterprise, goes to show i) how the role of landscape played in the legitimation of power; ii) how the political transformation produced a new cultural paradigm which was distinct from that of the Kandyan kingdom and in the process transformed the landscape of Kandy; iii) how Kandyan power structure and symbols of authority were undermined and replaced by British structure and symbols; and finally iv) how all that was Kandyan, and useless to the British enterprise, was left to decay into the surrounding landscape. (James S. Duncan, *The power of place in Kandy*, 187, 189-192.)

geography on politics,” and the way politics are being “shaped by forces such as the environment or the economy.”<sup>171</sup>

The topic of geo-politics will be dealt with in more details in the following chapters, but suffice to say that in both Sweden and the United States of America geography played an important role in the politics of indigenous policy-making: “Politics extends [*sic*] the spaces of domination, traces lines of exclusion, designs internal and external borders, determines the centers and peripheries, the ‘highs’ and the ‘lows’, and articulates the spaces of production and consumption.”<sup>172</sup> For instance, the Lapp Codicil of 1751, the Indian Removal Act of 1830, or even *The Cherokee Nation vs. The State of Georgia*, (30 US 1 – Supreme Court 1831), all show, to varying degrees, how geography was translated into territoriality and how geopolitics and territorial integrity redrew not only “internal and external borders,” clearly delineating what was within and what was without, but also the level of inclusion and exclusion of groups or individuals within the state project.

It is thus plausible to include geopolitics within the spectrum of analysis because, whether directly or indirectly, the territorial integrity of the state came to play a pivotal role in the formulation of domestic and international politics; especially from the eighteenth century onward. The sort of “organic conception of the state,” one defined by a “Darwinian struggle” and, by extension, one that justified the (Western) state superiority over all other forms of political, cultural, and ethnic entities depicts the sort of

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<sup>171</sup> John Agnew, and Luca Muscarà, *Making Political Geography*, 13, 20.

<sup>172</sup> John Agnew, and Luca Muscarà, *Making Political Geography*, 2.

environment in which the modern state of the mid-1800s onwards set its state-centric project in motion.<sup>173</sup>

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In conclusion, territory, territoriality, space, and place, form a distinct and yet conceptually bound realm where society, culture, politics, economics, and identity are all produced and reproduced. Territoriality and space, in particular, become key to understand the processes of centuries of subjugation and pushed marginalization of indigenous peoples to the edge of society. The territorial state becomes the “container of society,” and society becomes the image of normalcy and the space where ‘authentic politics’ take place. Anything outside the “contours” of this social space, and outside “the territory of a state” (both representing a “totalizing and primal force”) is different in nature or kind, meaning *the other*.<sup>174</sup> Exclusion and marginalization, as processes, began at the outset of the European colonial enterprise, manipulated through settlers societies and interests (more so in the United States than in Sweden), and concluded during the nineteenth century with the “codification” of the *indigenous Other* into a socio-political and economic limbo.

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<sup>173</sup> John Agnew, and Luca Muscarà, *Making Political Geography*, 89.

<sup>174</sup> Quotations are from John A. Agnew, and Stuart Corbridge, *Mastering Space*, 92. Agnew and Corbridge continue, “such figures in the development of modern social science as Durkheim, Weber, and Marx, all shared a territorial definition of ‘society’.” (Ibid., 92).

## Characterizing Indigenous Identity

The discussion on what may characterize indigenous identity is drawn from the international legal language that has come to represent a sort of norm in the field; this albeit the lack of an agreed-upon standard international definition.

There is no doubt that, within the international context and for indigenous people in general, self-identification ought to be considered integral to the formulation of an indigenous identity. It is, however, equally paramount to acknowledge that the myriads of interactions, since the start of colonization, have altered the identity of indigenous people. As such, centuries of assimilation and ethnic-racial dilution ought to be included in the conceptualization of indigenous identity.

This approach is also echoed in the existing scholarly literature, where, for instance, Champagne *et al.* rethink native identity and native relations within the contemporary modern state. The authors do not doubt that indigenous identities “predate the formation of nation-states, and many aspects of these pre-state identities continue to persist and make their weight felt in everyday life.”<sup>175</sup> The emergence of the modern state, however, has somehow influenced, or shaped, the development of what we currently call indigenous identities, Indianness, or indigeneity, because “native identity is largely defined in relation to colonizing cultures and state governments.”<sup>176</sup> Consequently, the degree with which one characterizes indigenous identity should

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<sup>175</sup> Duane Champagne, Karen Jo Torjesen, and Susan Steiner, *Indigenous Peoples*, 3.

<sup>176</sup> Duane Champagne, Karen Jo Torjesen, and Susan Steiner, *Indigenous Peoples*, 3.

include not only self-identification but also the surrounding “colonizing cultures and state governments.”

Before I begin discussing indigenous identity *per se*, it would be useful to briefly conceptualize what may constitute *identity, the self, and ethnicity*. A word of caution: this brief “compilation” is in no way exhaustive and it is not meant to circumvent a very complex and rich interdisciplinary field of study.

### *Identity, the Self, and Ethnicity*

Identity and ethnicity have been characterized as i) “primordial affinities and attachments [where] identity [is] made up of a what a person is born with or acquires at birth,”<sup>177</sup> ii) as “cultural elements and symbols [are] an absurdity [and] are purely arbitrary [where] ethnicity can only be understood in terms of a dynamic and contextual view of group allegiances,” or iii) as a product of group identification and macro-social trends.<sup>178</sup>

These three theoretical approaches, although rich in their own right, they are limited by their conceptual boundaries, and as such, in my opinion, they fail to identify the multilayered essence of both identity and ethnicity. A better approach would be to take identity and ethnicity as an amalgam of cross-boundary perceptions born through

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<sup>177</sup> Harold R. Isaacs, *Basic Group Identity: The Idol of the Tribe* (In Glazer, Nathan, Daniel P. Moynihan, and Corinne Saposs Schelling (Ed.). *Ethnicity: Theory and Experience*. Cambridge, Mass: Harvard University Press, 1975), 30.

<sup>178</sup> Orlando Patterson, *Context and Choice in Ethnic Allegiances: A Theoretical Framework and Caribbean Case Study* (In Glazer, Nathan, Daniel P. Moynihan, and Corinne Saposs Schelling (Ed.). *Ethnicity: Theory and Experience*. Cambridge, Mass: Harvard University Press, 1975), 305-306; Daniel Bell, *Ethnicity and Social Change* (In Glazer, Nathan, Daniel P. Moynihan, and Corinne Saposs Schelling (Ed.). *Ethnicity: Theory and Experience*. Cambridge, Mass: Harvard University Press, 1975), 142, 159.



spatial-temporal historical experiences, formed by dialogical interactions, influenced by actor's agency and social pressures, and at times, perceived through ancestral ties.

Identity, in the present study, is seen as a dynamic notion, always in a state of flux and never static. It is interpreted as a malleable sense of self, or a *changing* and *evolving* sense of "sameness" and "cohesion" in personality over time. It is characterized by difference and as an instance or point of unlikeness, dissimilarity, or distinguishing characteristic, and in opposition to the unknown or to what one is not; i.e., the *Other*.

Identity is understood as a combination of cross-boundary perceptions shaped by ancestral ties, by dynamic social, communal, and family environs. Identity also belongs to "human agency," it is adaptive and transitional: "identity is something that one ought to be true to, can fail to uphold, can surrender when one ought to."<sup>179</sup> The latter is important as a point in case showing the dynamism of identity. In fact, if we can surrender our identity, by definition, identity cannot be static. On the contrary, if we surrender it, then it implies that we replace it. This exchange is, in other words, a transaction, and at times a negotiation, making identity dynamic and even fluid.

Identity, however, is also a matter of *self*, meaning what makes an individual unique and different from others, or as found by Charles Taylor, a "sense of self."<sup>180</sup> This reflexive exercise that defines *who I am* is not only a blend of constructed "frames or horizons," it is also an exercise of "reflective awareness," meaning that "human beings

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<sup>179</sup> Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, Mass: Harvard University Press, 1989), 30, 31.

<sup>180</sup> Charles Taylor, *Sources of the Self*, 29.

... care that their image matches up to certain standards, generally socially induced.”<sup>181</sup> Reflexively, for instance, my *sense of self*, and therefore my *identity*, is shaped not only by the way I see myself as an individual, or shaped by particular socio-cultural norms that dictate what is true-false, good-evil, common-uncommon, or proper-improper; *context* also plays a role. Consequently, context such as location (say northern or southern Italy, northern or southern Europe, or Europe and the United States), social positioning (class, immigrant, citizen, assimilated, enfranchised, accepted, segregated, excluded), and at times gender, ethnicity, and race (whether prescribed or ascribed), may determine who I feel or think I am. Furthermore, an additional component of my identity is my “reflective awareness” where social expectations become integral in constructing who I am.

Ethnicity too can be construed as an amalgam of relative factors rather than a primordial condition. Ethnicity, thus, may be taken as a quality or affiliation where people are categorized according to common racial, national, tribal, religious, linguistic, or cultural origins. Walker Connor conceptualizes ethnicity as an emotional, psychological, and irrational element experienced by individuals seeking common identifiers and belongingness, and represented by those mystical senses that create a state of mind, which in turns shapes a sense of “common descent.”<sup>182</sup> In line with Connor,

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<sup>181</sup> For Giddens self-identity “is not something that is just given, as a result of the continuities of the individual’s action-system, but something that has to be routinely created and sustained in the reflexive activities of the individual ... Self-identity is not a distinctive trait, or even a collection of traits, possessed by the individual. It is *the self as reflexively understood by the person in terms of her or his biography ... as interpreted reflexively by the agent.*” (Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, Calif: Stanford University Press, 1991), 52-53). In other words, this means self-identification. Charles Taylor, *Sources of the Self*, 33.

<sup>182</sup> Walker Connor, *Ethnonationalism: The Quest for Understanding* (Princeton, N.J.: Princeton University Press, 1994).

Daniele Conversi interprets ethnicity as “normally [referring] to a belief in putative descent: that is, a belief in something which may or may not be real. It is a perception of commonality and belonging supported by a myth of common ancestry.”<sup>183</sup>

*Indigenous Identity: A Brief Characterization of Sámi and Indian American identity.*

Hilary N. Weaver is correct in assuming that to ascertain what really constitutes indigenous identity, or to “measure [and to know] who truly has it” is not so simple. For decades, indigenous groups, scholars, researcher, and state bureaucracies have taken up this task, with mixed results.<sup>184</sup> A sort of common ground has often hinged on self-identification as a criterion of recognizing who or what an indigenous person is.<sup>185</sup>

*i) International Characterization*

Martínez-Cobo’s study of the *Problem of Discrimination against Indigenous Populations* (1986/87) and the International Labour Organization *Convention 169* (ILO C169) are

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<sup>183</sup> Daniele Conversi, *Conceptualizing nationalism: an introduction to Walker Connor’s work*. (In Conversi, Daniele (Ed.). *Ethnonationalism in the Contemporary World: Walker Connor and the Study of Nationalism*. London: Routledge, 20029), 2. *Kinship*, on the other hand, is generally understood as: “the social relationships that derive from blood ties (real or imagined) and from marriage – is universal and in almost all societies plays a major part in the socialisation of individuals and in the maintenance of social groups. In small-scale societies kinship ties may be so extensive and so important as to constitute the entire social system; hence the anthropological interest in the subject. In modern societies, kinship plays only a small part in the social system. Indeed, because it offends against egalitarian principles, undue favouritism to kin (known as nepotism, after the Latin for ‘grandson’) is often scorned and in some sectors specifically outlawed.” (Steve Bruce, and Steven Yearley. *The Sage Dictionary of Sociology* (London; Thousand Oaks, Calif.: SAGE, 2006), 162-163).

<sup>184</sup> Hilary N. Weaver, “Indigenous Identity: What Is It and Who Really Has It?” *The American Indian Quarterly* Vol. 25, No. 2, (2001): 240.

<sup>185</sup> United Nations, *Resource Kit on Indigenous Peoples’ Issues* (New York: United Nations, 2008), 1.

often taken as the standard in characterizing indigenous peoples. In particular, Martínez-Cobo identifies indigenous peoples as:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system [while an indigenous person is] one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group). This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference.<sup>186</sup>

As we can see, Martínez-Cobo's working definition highlights not only self-identification or group consciousness, but also connectivity to historical continuity predating invasion and colonization.

The ILO C169 follows in Martínez-Cobo's footsteps and is often used by several national, international, and intranational institutions (such as the Inter-American Development Bank, the Asian Development Bank, the Organization of American States, the African Commission on Human and Peoples' Rights) as a working definition identifying indigenous peoples as:

indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions [where] Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.<sup>187</sup>

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<sup>186</sup> José Martínez-Cobo, *Study of the Problem of Discrimination against Indigenous Populations* (Prepared by Special Rapporteur to the Sub-commission on Prevention of Discrimination and Protection of Minorities. UN DOC E/CN.4/Sub.2/1986/7), Add.4, paragraphs 379, 381-382.

<sup>187</sup> International Labour Organization (ILO), *Indigenous and Tribal Peoples Convention, 1989 (No. 169)* (Geneva: ILO, 1989), Part I, Articles 1(1b) and 1(2).

Here, the Convention goes further and creates a sort of “supranational space” within which a person can find belongingness as indigenous or tribal based on full or partial customary or traditional characteristics or quality “irrespective of the legal status.”

Martínez-Cobo’s study and ILO C169 were groundbreaking in their scope principally because they both stressed self-identification or group consciousness in identifying indigenous peoples.<sup>188</sup> Both were also moving away from the more traditional interpretation of indigenous belongingness often determined by a sort of “*jus sanguinis*,” where “ancestry, [as in the case of] ‘Maori blood’, has always been the legal criterion for considering a person as a Maori in New Zealand.”<sup>189</sup>

Self-identification and group consciousness is not, however, the product of exogenous conceptualizations attempting to overlay a synthetic definition upon indigenous populations. On the contrary, “it should be pointed out that indigenous populations themselves have claimed the right to [self-identification or group consciousness] as an exclusive right on their part.”<sup>190</sup> For instance, The World Council of Indigenous Peoples has adopted the following definition: “the right to define what is an indigenous person be reserved for the indigenous people themselves. Under no

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<sup>188</sup> For instance, ILO C107 (1957) Indigenous and Tribal Populations Convention, the first international instrument relating exclusively to the protection of indigenous and tribal peoples where self-identification is not mentioned.

<sup>189</sup> José Martínez-Cobo, *Study of the Problem of Discrimination against Indigenous Populations* (Final Report (Supplementary Part). Submitted by Special Rapporteur to the Sub-commission on Prevention of Discrimination and Protection of Minorities. UN Doc E/CN.4/Sub.2/1982/2), Add 6, Chapter V, paragraph 52.

<sup>190</sup> José Martínez-Cobo, *Study of the Problem of Discrimination* (1982/2), Add 6, Chapter V, paragraph 8.

circumstances should we let artificial definitions such as the Indian Act in Canada, the Queensland Aboriginal Act 1971 in Australia, etc. tell us who we are.” Further, the Fourth Russell Tribunal has stated, with regards to the Indian peoples of the Americas, that “The Indian peoples of the Americas must be recognised according to their own understanding of themselves, rather than being defined by the perception of the value-systems of alien dominant societies.”<sup>191</sup>

This being said, the existence, or acceptance, of a formal and internationally recognized definition of what constitutes an indigenous person does not exist. Indigenous peoples have generally opposed such standardization and have “argued against the adoption of a formal definition at the international level, stressing the need for flexibility and for respecting the desire and the right of each indigenous people to define themselves.”<sup>192</sup>

Erica-Irene Daes, the Chairperson and Rapporteur of the Working Group on Indigenous Populations, outlined the concept of indigenous peoples in her 1996 report listing a series of determinant factors relevant to the conceptualization of *indigenous*, namely: (a) Priority in time, with respect to the occupation and use of a specific territory; (b) The voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions; (c) Self-identification, as well as recognition by other groups, or by State

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<sup>191</sup> Quotations taken from José Martínez-Cobo, *Study of the Problem of Discrimination* (1982/2), Add 6, Chapter V, paragraphs 9-10.

<sup>192</sup> Andy Gargett, *The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions* (Geneva: Office of the United Nations High Commissioner for Human Rights, 2013), 6.

authorities, as a distinct collectivity; and (d) An experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist.”<sup>193</sup> Daes’ approach is typical of the time where in a post-Cold War environment more emphasis is placed on territoriality, the notion of a distinctive collectivity, and a common experience of subjugation, marginalization, dispossession, exclusion, and discrimination of indigenous peoples.

Daes’ approach, that subjugation, marginalization, dispossession, exclusion, and discrimination have redefined indigenous experiences, in my opinion, ought to be taken as evidence of an altered sense of identity in light of a *self* that has been influenced by the interaction with the state and white society and by the totality of these experiences.

#### *ii) Characterizing Sámi and Indian American Identity*

Attempting to define what constitutes Sámi and Indian American identity is a futile exercise because ultimately what really constitutes a Sámi or an Indian American, is for a Sámi and an Indian American to decide. What ought to be discussed instead are events that may characterize, perhaps subconsciously, today’s Sámi and Indian Americans. Centuries of assimilation, racial reclassification, and ethnic displacement have, in fact, resulted in the dilution of indigenous cultural traits and consequently of identity.

Today’s Sámi, for instance, are still contending with the past’s subtle eradication of their language, culture, and ethnic identity caused by centuries of systematic state-

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<sup>193</sup> Erica-Irene A. Daes, *Working Paper on the Concept of “Indigenous People”* (Prepared by Chair-Person Rapporteur to the Working Group on Indigenous Populations. UN Doc E/CN.4/Sub.2/AC.4/1996/2), paragraph 69.

sponsored policies and legislations. According to Eva-Britt Nilsson the state has, in fact, been responsible for the loss of ethnic identity of many non-reindeer herding Sámi: “there is a strong connection between the reindeer law designs and the possibility of the non-reindeer-herding Sámi to exist as an independent ethnic group.”<sup>194</sup> Andrea Amft, indirectly, made a similar point. His argument shows how the introduction of legislations, beginning with the 1886 Reindeer Herding Act, initiated a process of differentiation among reindeer and non-reindeer herding Sámi. The legislation provided the legal framework fracturing Sámi identity and their sense of belongingness and in the process creating, what Amft calls, an “Authentic Sámi minority.”

In this new legal context, only those Sámi defined by the state as “authentic” or “living up to the shared standards” were considered part of the Sámi minority, and their rights were recognised based on ancient tradition and time immemorial. On the other hand, those that after 1886 suddenly fell outside of what the state considered an “authentic” Sámi, were deprived of their ethnic origins: the state “institutionalized a homogenous Sami identity deviant from the Swedish, maintaining a hierarchical order, at the same time as it explains and justifies an exclusion of the majority of people of Sami origins.”<sup>195</sup> Hence, those Sámi who did not practice reindeer husbandry were “forced” into becoming sedentary farmers and were generally marginalized and deprived of their ethnic belonging.

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<sup>194</sup> “Etnisk utrensning av samer i Sverige: uppsats vid Umeå universitet,” *Samefolket: organ för Svenska samernas riksförbund och Sällskapet Same-Åtnam* No. 8 (2000): 10.

<sup>195</sup> Patrik Lantto, and Ulf Mörkenstam, “Sami Rights and Sami Challenges,” 41.



Another example showing the effects of legislation on the ethnic identity of the Sámi population is found in the Reindeer Grazing Act of 1928 (*SFS 1928-309 Lag om de svenska lapparnes rätt till renbetete i Sverige*). The Act, starting with Article 1 §1, introduces a blood quantum that determined the acquisition or loss of the legal ethnic belonging, and with it, the right to reindeer husbandry. In addition, to the introduction of a blood quantum, a gender qualifier was also introduced, which consequently affected women more than men. This gender disparity is easily visible from the table below adapted from Amft's work:

TABLE 1: ACQUISITION AND LOSS OF RIGHT TO REINDEER HUSBANDRY BEFORE AND AFTER MARRIAGE

Legend: + entitled to reindeer herding; – not entitled to reindeer herding

	Before the wedding	After the wedding
Case 1	Sámi man + / Sámi woman +	Sámi man + / Sámi woman +
Case 2	Sámi man + / Sámi woman –	Sámi man + / Sámi woman +
Case 3	Sámi man – / Sámi woman +	Sámi man – / Sámi woman –
Case 4	Sámi man – / Sámi woman –	Sámi man – / Sámi woman –
Case 5	Sámi man + / non-Sámi woman –	Sámi man + / non-Sámi woman +
Case 6	Sámi man – / non-Sámi woman –	Sámi man – / non-Sámi woman –
Case 7	non-Sámi man – / Sámi woman +	non-Sámi man – / Sámi woman –
Case 8	non-Sámi man – / Sámi woman –	non-Sámi man – / Sámi woman –

*Source:* Adapted from Andrea Amft, "Att skapa en 'autentisk' minoritet - om maktrelationen mellan svenskar och samer från slutet av 1800-talet till 1970-talet," *Historisk tidskrift* No. 118 (1998): 605, figure 2.

Education was seen as one of the most important tool in the assimilation of the Sámi population. Now that the bulk of the Sámi were stripped of their ethnic identity through a reclassification of what constituted a Sámi, the remainder was to be settled, reeducated, and prepared for full assimilation into the great Swedish society. The education of the Sámi was nothing new. In fact, the first attempts date back to the seventeenth century

through Church's missions and missionaries. The issue of education will be dealt with in more details in the following chapter, suffice to say, however, is that centuries of reeducation diluted the Sámi identity by forcing children to learn a "proper language," Swedish, and resulted in loss of their language and consequently of their identity. Lester Wikström, for instance, talks about students being hit for speaking Sámi at school. Consequently, many of these children, once grown up, never taught Sámi to their children.

The nineteenth century also brought race-biology to the forefront. With the introduction of the cephalic index, by Anders Retzius in the 1840s, the early twentieth century was marked by the study and categorization of the Sámi as a subordinate specie. Racial ranking was eventually institutionalized in 1921 with the establishment of the first official institution, *The State Institute for Race Biology (Statens institut för rasbiologi)*, with its seat at the Dekanhuset at Uppsala University. The Sámi, at this point in time, were seen as physically and culturally inferior and were nothing more than "lazy and dumb."<sup>196</sup> As such, the Sámi needed to be "told" what was right for them, consequently influencing the state's paternalistic policies towards them.

In the case of Indian American identity the characterization is more complex due to the fact that there are hundreds of identities to contend with. For Robert James Muckle "many Indigenous people have their feet in multiple worlds, including that of their specific Indigenous nation; the larger national, continental, or global Indigenous

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<sup>196</sup> *Det blågula glashuset - strukturell diskriminering i Sverige (Utredningen om strukturell diskriminering på grund av etnisk eller religiös tillhörighet)*. Statens offentliga utredningar, SOU 2005:56, June 2005, 79, 98, 100-102.

movement; and their country of citizenship, with its own distinctive culture.”<sup>197</sup> In the case of Indian Americans, Muckle adds, “four different ways of defining Indianness: legal, biological, cultural, and personal [where] ‘Indian’ is defined in almost three dozen different ways in the United States federal legislation, and there is no standard for the blood quantum that allows recognition as a tribal member among the various groups.”<sup>198</sup> Yet, the federal government in the United States has established a quantifiable degree of *Indianness* found in Indian blood. The federal bureaucracy, writes David E. Wilkins, “still uses ethnological data, including varying fractions of blood quantum [like] an official chart developed by the BIA describing the fractionalization of Indian identity.”<sup>199</sup> So, for instance, according to the table if one parent is 4/4 Indian and the other parent is 1/16 Indian, the child will be categorized as 17/32 Indian.<sup>200</sup>

A comparison of blood quantum shows that Indian Americans were able to retain more of their ethnic identity than their Sámi counterparts. In addition, ethnic belonging in the case of the Indian Americans was not determined by a specific livelihood as in the case of the Sámi. Perhaps this may be a reason why the United States fractionalization of Indian American ethnic identity was more permissible than the Swedish.

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<sup>197</sup> Robert James Muckle, *Indigenous Peoples*, 9.

<sup>198</sup> Robert James Muckle, *Indigenous Peoples*, 12.

<sup>199</sup> David E. Wilkins, *American Indian Politics*, 23-24.

<sup>200</sup> David E. Wilkins, *American Indian Politics*, 25. Wilkins adds, quoting Snipp, C. Matthew (*American Indians: The First of This Land*. New York: Russell Sage Foundation, 1989), “Are American Indians assimilating so quickly through racial intermarriage that they will eventually, in the not too distant future, marry themselves out of existence?” (Ibid., 38).

Indian Americans, in general, had to contend with similar historical developments as the one experienced by the Sámi. A categorical difference between the two groups, however, is the effects of the Indian Policy on the Indian Americans. In fact, United States Indian policies (in reality various versions of the same policy), which were meant to solve the *Indian Question*, had more macabre consequences and less successful results in the United States.

In Sweden assimilation was, in fact, much less inhumane and was more rapid and successful than it was in the United States. The reasons for these differences are many. Government type and lack of an armed conflict as in the case of the Sámi could have facilitated the assimilation process. The racial deviation between white Americans and Indian Americans could also have been a factor. The Sámi, are considered racially closer to the Swedes than Indian Americans are to white Americans. Sámi fall, in fact, within the Europoid and, in some instances, even Caucasian races.

These differences not withstanding, the impact of United States assimilation policies on the identity of Indian Americans, their sense of self, and their sense of ethnic belonging need to contend with such nearly genocidal policies; such as the Wounded Knee Massacre of 1890. Consequently, an Indian American in search of who he/she is may be confronted with the brutality of United States policies, the loss of land and of sovereignty, inhumane treatment, and racial marginalization; examples of which are epitomized in the occupation of Alcatraz in 1969 and the occupation of Wounded Knee in 1973.

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In conclusion, although indigenous “identity is often complex and confusing,”<sup>201</sup> when looking at group cohesion then self-identification contributes to a collective sense of belongingness and it is being used by indigenous communities and nations across the world to describe “those who claim ancestry from a self-governing society that inhabited a region before the invasion, conquest, settlement, or other form of occupation by people of different cultures who then became dominant.”<sup>202</sup>

On the other hand, when looking at the identity, say of a Sámi or of an Indian American, then the characterization may become even more intricate and multifaceted. Cultures, and thus identity, argues Tully, overlap geographically and are “densely interdependent in their formation and identity [exists] in complex historical processes of interaction with other cultures.”<sup>203</sup> This implies that when studying, say, Sámi or Indian American and white cultures one ought to also look at interdependence, hybridity, and syncretism emerging from various processes of interaction. No single culture, and thus identity, today can claim to be the product of a process that either occurred in a vacuum or exist in isolation of other cultures or identities.

Therefore, what makes different cultures or identities *different* is not their different existence, but rather the “experience of otherness internal to our own identity.”

We, in other words, experience other cultures because we see our own difference in

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<sup>201</sup> Robert James Muckle, *Indigenous Peoples*, 11. Although in Sweden, those same criteria are still defined and codified by the state.

<sup>202</sup> Robert James Muckle, *Indigenous Peoples*, 4-5. What is understood here is that the colonization of the Americas and the narratives, whether mundane or philosophical, derived from such experience formulated what we now call “indigenous” and was later applied to other conquered peoples.

<sup>203</sup> James Tully, *Strange Multiplicity*, 11.

relation to other cultures (i.e., our own otherness). Without this “difference with itself,” explains Tully, there would not be “culture or cultural identity.”<sup>204</sup> This makes culture and identity internally heterogeneous, or as found in Tully, “not internally homogeneous. They are continuously contested, imagined and reimagined, transformed and negotiated, both by their members and through their interaction with others. The identity, and so the meaning, of any culture is thus aspectival [meaning fragmented and multifaceted] rather than essential.”<sup>205</sup>

In this sense, the identity of indigenous people ought to be understood in relation to itself, to cultural diffusion and amalgamation, and also to what is not indigenous; i.e., the modern state and its modern society.

#### Nationalism and Ethnonationalism

Nationalism, and by extension ethnonationalism, is purposely not covered in this study. Nonetheless, their close proximity to identity and ethnicity warrants at least some coverage. In addition, these doctrines, or aspirations, seem to be marginally important in the historiography of the cases studied. This particularity is especially true for Sweden.

In Sweden power consolidation and territorial integration was a product of enduring domestic and international pressures. Gustafsson, quoting Smith, argues that the push to homogenize was motivated by “the need of rulers and factions of the ruling classes to preserve their positions against rivals, internal and external, and to provide a loyal base in the mass of the population.’ As a ‘by-product’ of this, the territorial integrity

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<sup>204</sup> James Tully, *Strange Multiplicity*, 13.

<sup>205</sup> James Tully, *Strange Multiplicity*, 11.

of the state was strengthened, and ‘the base for the modern nations and nationalism emerged.’”<sup>206</sup> I subscribe to the belief that nations, and as such nationalism, is a modern phenomenon, even a product of modernity, that had little bearing on the actions of states before the 1800s; at least in the way we understand nationalism today. Smith, for instance, quoting Elie Kedourie, argues that nationalism is a “doctrine invented in Europe at the beginning of the nineteenth century.”<sup>207</sup> Smith sees nationalism as “an ideology of the nation and not of the state.”<sup>208</sup> As such, nationalism would be misplaced in the Swedish context.

In the case of the United States, on the other hand, nationalism may be prudently added as a variable although it should be understood as a “consciousness of belonging to the nation, together with sentiments and aspirations for its security and prosperity.”<sup>209</sup> This being said, the idea of “belonging to a nation” needs to be understood within the historical progression of the country, from confederation to federal republic, and Jackson’s “modern” presidency. In this context, U.S. territorial consolidation can be seen in light of a “manifest destiny” that matures from the experiences of a young republic that in 1789 was still facing the shadow of the British Empire, a fading Spain and France, a seemingly emerging Mexico, while simultaneously was forced to be dealing with the more urging threat of Native American Nations. Nationalism, in terms of “consciousness,

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<sup>206</sup> Harald Gustafsson, “The Conglomerate State: A Perspective on State Formation in Early Modern Europe,” *Scandinavian Journal of History* Vol. 23, No. 3-4 (1998): 211.

<sup>207</sup> Anthony D. Smith, *National Identity*, 71.

<sup>208</sup> Anthony D. Smith, *National Identity*, 74.

<sup>209</sup> Anthony D. Smith, *National Identity*, 72.

aspirations, security and prosperity” was always present in varying degrees; the naivety of the 1810s (e.g., The Barbary War and The War of 1812) was quickly replaced by a firmer foreign policy by the 1820s (e.g., Monroe Doctrine of 1823), where by the 1850s the United States was successful in strengthening its *de facto* power across what was to become the 48 contiguous United States of America, while at the same time, it began stretching its wings onto the Pacific Rim.

Nationalism in this study is understood as “an emotional attachment to one’s people – one’s ethnonational group.”<sup>210</sup> The stress here is on *attachment*, rather than, on *loyalty*. As such, adds Connor, we cannot equate “nationalism with loyalty to the state.”<sup>211</sup> This improper usage of the term is, for Connor, “conducive to dangerously underestimating the magnetism and the staying power of ethnic identity, for those terms simply do not convey the aura of deeply felt, emotional commitment that nationalism does.”<sup>212</sup> Nationalism is thus axiomatic to the emotional attachment to one’s nation. In turn, this is seen in Connor as deriving from the Greek word Ethnos, meaning nation.<sup>213</sup> Thus, nation and ethnicity are conceptually connected, where the nation is seen as a group’s emotional attachment to a common descent, or “a group of people who believe they are ancestrally related.”<sup>214</sup>

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<sup>210</sup> Walker Connor, *Ethnonationalism*, 374.

<sup>211</sup> Walker Connor, *Ethnonationalism*, 91.

<sup>212</sup> Walker Connor, *Ethnonationalism*, 41.

<sup>213</sup> Walker Connor, *Ethnonationalism*, 100.

<sup>214</sup> Walker Connor, *Ethnonationalism*, xi. Theodore Macdonald makes an interesting observation in *Manifest Destinies and Indigenous Peoples*: “Nationalism in general, is decried by most historians and



Yael Tamir revisits the notion of nationalism and attempts to separate it from its derogative portrayals. Tamir achieves this by simply shifting the focus of what has often characterized nationalism, to what instead should really be characterizing it. In other words, she places “a cultural claim rather than a political one at the heart of nationalism.”<sup>215</sup> This characterization is justified against accusations of depoliticizing nationalism by stating that: i) the core of nationalism is cultural rather than political, where the primary objective of national movements is a desire to assure the existence and flourishing of a particular community to preserve its culture, tradition and language, rather than seizing state power; and ii) nationalism should not be seen as a mere striving to control state power and institutions; political power is the means, while the end is cultural.<sup>216</sup>

Before continuing onto ethnonationalism it is important to remember that the present study does not deal, at all, with ethnonationalism. First, it is considered a more recent expression and falls outside the study’s scope. Second, the present study is not about ethnic political mobilization, but rather about ethnic neutralization, disenfranchisement, and stagnation. Third, ethnonationalism, writes Nina Caspersen, represents a “specific form of nationalism—a form of nationalism that is associated with

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social scientists ... Ernest Gellner’s tone is typical when he writes that nationalism ‘is not the awakening of nations to self-consciousness: it invents nations where they do not exist. Such deconstructing sentiments are understandable in view of the horrors that ethnic nationalism and its exclusivity wrought on Europe, Asia, and Africa during the twentieth century.’ (Theodore Macdonald, *Introduction* (In Maybury-Lewis, David, Theodore Macdonald, and Biorn Maybury-Lewis (Ed.). *Manifest Destinies and Indigenous Peoples*. Cambridge, Mass: Harvard University David Rockefeller Center for Latin American Studies, 2009), 3).

<sup>215</sup> Yael Tamir, *Liberal Nationalism* (Princeton University Press, 1993), xiii.

<sup>216</sup> Yael Tamir, *Liberal Nationalism*, xiii.

an ethnic group that does not presently have its own state, but is politically mobilized to pursue this goal.”<sup>217</sup> Donna Lee Van Cott argues that the political mobilization of indigenous peoples occurs through a process called framing: “the conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action.”<sup>218</sup>

To varying degrees, ethnonationalism emerges after World War II where, in the wake of self-determination, indigenous groups began to politicize and to exert political pressure on states for more recognition, rights, and protection. In Sweden this materialized in the founding of the National Association of Swedish Sami (*Svenska Samernas Riksförbund, SSR*) in 1950. In the United States the mobilization occurs a few years earlier in response to the assimilation and termination policies of the 1940s with the founding of the National Congress of American Indians in 1944.

With the end of the Cold War, ethnicity and indigenism, took front stage in several domestic political settings. In some instance, like in Latin America, but not in the United States or in Sweden, ethnonationalism has manifested itself in the dawn of ethnicity-based parties.<sup>219</sup> Raúl L. Madrid clarifies this development in the following way. On the one hand, “the emergence of major indigenous parties in Latin America may

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<sup>217</sup> Nina Caspersen, *Ethnonationalism* (In Bevir, Mark (Ed.). *Encyclopedia of Governance*. Thousand Oaks: Sage Publications, 2007), 287.

<sup>218</sup> Donna Lee Van Cott, *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America* (Pittsburgh: University of Pittsburgh Press, 2000), 14.

<sup>219</sup> In Sweden ethnicity-based parties do exist, however, they are not represented in the Riksdag, or national assembly. Instead, these parties’ political reach is restricted to local politics and they are represented exclusively in the Sámi Parliament.

actually help deepen democracy in the region [improving] the representativeness of the party system in the countries where they arise.”<sup>220</sup> On the other hand, the radicalization of ethnonationalism has also shown destabilizing properties where “radical ethnonationalist parties are unlikely to win the allegiance of numerous voters, even within their own ethnic group; and as a result, they should have a limited impact on the national political environment.”<sup>221</sup> In some cases, such as in Bolivia and Ecuador, ethnicity-based parties have also picked up on conventional political trends bringing about the consolidation of ethnopopulism. These movements, writes Madrid are “inclusive ethnically based parties that adopt classical populist electoral strategies. Whereas exclusionary ethnic parties have registered little electoral success, ethnopopulist parties have won significant legislative or presidential victories in the Andean nations.”<sup>222</sup>

Ethnonationalism has its limits. Aside from the limitations found by Madrid, there are occurrences where national apathy also poses limitations on indigenous recognition and mobilization; cultural, political, or otherwise. In the case of Sweden, for instance,

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<sup>220</sup> Raúl L. Madrid, “Indigenous Parties and Democracy in Latin America,” *Latin American Politics and Society* Vol. 47, No. 4 (2005): 161.

<sup>221</sup> Raúl L. Madrid, “Indigenous Parties,” 164.

<sup>222</sup> Raúl L. Madrid, “The Rise of Ethnopopulism in Latin America,” *World Politics: a Quarterly Journal of International Relations* Vol. 60, No. 3 (2008): 475. Madrid adds “ethnopopulist parties have succeeded in Latin America (and traditional ethnic parties have failed) in large part because of the nature of ethnicity and ethnic relations in the region. Specifically, the low levels of ethnic polarization and the ambiguity and fluidity of ethnic identification in the region have meant that indigenous-based parties can win votes not only from self-identified indigenous people but also from people from other ethnic categories who share some identification with indigenous cultures or who support the parties based on their positions on other issues.” (Ibid., 477). Van Cott also notes in the wake of the political liberalization spreading across Latin America in the 1990s, that Indian parties were seen as alternatives to traditional party delineations: “Indigenous leader Jesus Avirama cites the widespread disaffection of the popular classes with traditional politics, combined with a positive image of the Indian as the honest outsider [where] the indigenous delegates ‘framed’ their constitutional rights agenda in ways that resonated sympathetically with elites and the general public.” (Donna Lee Van Cott, *The Friendly Liquidation*, 68, 73).

writes Carina Green, indigenism will have difficulties to materialize because the “visual stimuli” of being seen as indigenous are largely absent: “Indigenism as ideology is uncomplicated, and politically correct to approve of.”<sup>223</sup> Yet, indigenism, she argues, does always materialize as intended: “It is always easier to be Sami in Brussels than it is in Jokkmokk ... politicians within the European Union in Brussels, would listen and express support and sympathy and see him as a Sami and as also as *[sic]* someone who was part of the international indigenous family, whereas in his local community the claims he made on the basis of his ethnic belonging was not recognized and respected in the same way ... claiming an indigenous identity locally [is seen] as being a bit exaggerated, almost pretentious.”<sup>224</sup>

In conclusion, whereas nationalism ought to be interpreted in terms of “attachment to one’s nation” and ethnonationalism as “attachment to one’s ethnic group” within a larger national context, neither should be taken as expressions of loyalty. A word of caution, however, is expressed by Green, quoting Adam Kuper’s controversial article, *The Return of the Native* (Current Anthropology, June 2003), and wonders whether “the indigenous movement on the whole, of being dangerously close to Nationalism, in its ugliest form.”<sup>225</sup> Green also adds that despite the “massive criticisms” of his article “we

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<sup>223</sup> Carina Green, *Indigeniety – Idea and Political Reality*, 29.

<sup>224</sup> Carina Green, *Indigeniety – Idea and Political Reality*, 30, 31. Green adds “Some actually thought of it as quite hilarious and I have heard comments stating how ludicrous it is that someone that you consider a neighbor and part of your own society (although recognized Sami) all of a sudden think that he is some kind of “Indian”, just because the Sami culture in the area has become part of a World Heritage appointment.” (Ibid.,31).

<sup>225</sup> Carina Green, *Indigeniety – Idea and Political Reality*, 35.

should be cautious not to totally dismiss Kuper. It is important to bring up the problems with large pan-identities, like the indigenous ... and also to see to our own role in the making and re-making of portrayals of indigenous peoples and their aims.”<sup>226</sup>

### Double Movement

The notion of “double movement” as applied to state-indigenous relations is in no way an original connection and several authors, as mentioned sporadically in this study, have alluded to its importance. The importance of “double movement” lie in exposing a relation that was not mono-directional and thus indigenous peoples ought not to be seen as mere receivers of change, or “object.” On the contrary, they also held the agency and cultural capital to induce change in the white man’s world. For instance, Fleras and Elliott see the “aboriginal-state relations as an interplay between structure and agency” where indigenous peoples are not merely at the receiving end of history, but rather they are also shapers of history acting within the boundaries set down by society or by the state.<sup>227</sup> To this end it is important to reiterate the dialogical and discursive affinities that exist in state-indigenous relations and Karl Polanyi’s concept of “double movement,” as described in this section, can provide the framework in which this process occurs.

The importance of arguing for a multi-directional sets of interactions occurring between the state the indigenous population is that interactions, dialogical or otherwise, rarely happen in a vacuum and as such these evolving causal processes need to be seen and understood in a reciprocal and dynamic environ where the interplay of two identities,

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<sup>226</sup> Carina Green, *Indigeniety – Idea and Political Reality*, 36-37.

<sup>227</sup> Augie Fleras, and Jean Leonard Elliott, *The “Nations Within”*, ix.

the emerging state and the reacting *Other*, occur. Omitting this realization would entail treating indigenous populations as a mere object at the mercy of the state. On the contrary, indigenous populations withheld a certain level of agency, whether social, political, and even economic, where their own dynamics also influenced the structural development of the state. Reciprocity, thus, redefines the interconnectedness of boundaries and frontiers showing “linkage and interdependency;” or for Polanyi, these were “embedded.”<sup>228</sup> It would also mean that the indigenous person had no influence on the development of Sweden, or colonial or American identity. For instance, James Axtell writes, “All peoples define themselves partly by contrast with other peoples, but the English colonists forged their particular American identity on an Indian anvil more than on a (non-English) European or African one.”<sup>229</sup> This colonial reality was later passed onto the new republic and it deeply marked some of the structural development of the modern American Republic.

Karl Polanyi’s work deals primarily with economic history and social theory, and the economic and social changes brought by the Industrial Revolution. His conceptualizations must be understood in terms of “embeddedness” vs. “disembeddedness” and the resulting process of *double movement*. Embeddedness thus “expresses the idea that the economy is not autonomous ... but subordinated to politics, religion, and social relations.”<sup>230</sup> By the same token Polanyi rejects the separation of the

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<sup>228</sup> Philip D. Morgan, *Encounters*, 42, 56.

<sup>229</sup> James Axtell, *Colonial America Without the Indians*, 11.

<sup>230</sup> Karl Polanyi, *The Great Transformation*, xxiii-xxiv.

two by arguing that disembedding the processes: i) “a moral argument that it is simply wrong to treat nature and human beings as objects whose price will be determined entirely by the market.”<sup>231</sup> ii) “Even though the economy is supposed to be self-regulating, the state *must* play the ongoing role of adjusting the supply of money and credit to avoid the twin dangers of inflation and deflation.”<sup>232</sup> The interaction between these two opposing forces creates *double movement*, defined by Polanyi as:

extreme skepticism about disembedding the economy is also the source of his powerful argument about the “double movement.” Because efforts to disembed the economy from society inevitably encounter resistance, Polanyi argues that market societies are constituted by two opposing movements – laissez-faire movement to expand the scope of the market, and the protective countermovement that emerges to resist the disembedding of the economy.<sup>233</sup>

Karl Polanyi’s concept of *double movement* is used in this study to describe the level of hybridity and syncretism that existed in state-indigenous relations. Whether this state-of-affairs is seen in terms of Richard White’s “middle ground,” Collin G. Calloway’s “White Indian,” or in the working of local courts in the northern territories in Sweden, a dialogical process influenced both indigenous lives and the structural development of the white colonizer and the state.

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<sup>231</sup> Karl Polanyi, *The Great Transformation*, xxv.

<sup>232</sup> Karl Polanyi, *The Great Transformation*, xvi.

<sup>233</sup> Karl Polanyi, *The Great Transformation*, xxviii.

### CHAPTER THREE: THE MAKING OF THE INDIGENOUS OTHER

This chapter looks at Sweden and the United States of America as instances illustrating how the emergence of the modern state contributed to the remaking of the *indigenous Other*. The primary focus will be the “study of [state] discourses and production of categorizations and their consequences for lived [indigenous] experience.”<sup>234</sup> It goes without saying that these two countries are in no way unique. Other countries, such as Canada, Australia, India, Argentina, and several others, offer similar experiences. Sweden and the United States, however, were chosen because they offer a comparison of European and American contexts. The comparative value emphasizes key patterns of similarities and differences, such as in the production of identity and in the shaping of state stances towards indigenous questions, or in policies meant to solve the “*indigenous question*.”

The historical timeframe of this chapter will stretch from approximately the sixteenth to the end of the nineteenth centuries with sporadic mentions of earlier or later periods. A conscious choice was made to chronicle the gradual evolution of the modern state in an attempt to show how changes to state structures, processes, and discourses have influenced the making of the *indigenous Other*. This scenario is particularly evident in the case of Sweden where state-Sámi relations cannot be fully understood without tracing these mechanisms as early as the sixteenth century. In the case of the United States of America, on the other hand, beginning around the late colonial period 1750s suffices as a contrasting image of these mechanisms. In both cases, though, the period of

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<sup>234</sup> Gunlög Fur, *Colonialism in the Margins*, x.



analysis will end with the nineteenth century; which is seen as pivotal for when shifts in state-indigenous relations begin.

### The “Authentic Sámi” and the Making of the Indigenous Other in Sweden

This section is divided in two parts. The first will map out a historical overview of state development in Sweden starting with the reign of King Gustav I Vasa (r. 1523-1560). The second part will deal with what Roger Kvist called “nearly 450 years of Swedish Sámi policy” and the making of, what Andrea Amft labeled, the “Authentic Sámi.”<sup>235</sup>

#### *The State and Great-Power Politics*

The evolution of the modern Swedish state from the late Middle Ages to industrialization is a story of great external and internal pressures and transformations, which in turn altered existing power relations between the Crown and the estates, but also between the state and the indigenous Sámi population. Historians, like Harald Gustafsson, with broad strokes, paint a picture of centrifugal forces and pressures where the consolidation of the state and its powers came i) as a reaction to international conflicts, and ii) as a result of domestic power struggles.

Gustafsson starts with what he labels the *conglomerate state*, meaning a “political, judicial and administrative mosaic, rather than a modern unitary state.”<sup>236</sup>

During the early modern period, argues Gustafsson, the territorial state was a

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<sup>235</sup> If one wants to characterize, or problematize, “authentic” the dictionary offers several definitions, such as: genuine; entitled to acceptance or belief because of agreement with known facts or experience; reliable; trustworthy. This being said, in Andrea Amft’s article, “authentic” is meant to convey a state-constructed ideal-type, which replaces all other understanding of what may have constituted to be Sámi. The legal codification of Sáminess, hence, creates only one true Sámi.

<sup>236</sup> Harald Gustafsson, “The Conglomerate State,” 189.

conglomerate of units characterized by a number of different parts grouped together to form a whole but remain distinct entities. The state was a composition of socially, politically, and culturally mixed units, and therefore heterogeneous in character rather than homogeneous and unitary: “In this way, the two dominating states of northern Europe in the 17th century [(i.e., Sweden and Denmark)] had been formed through a process of territorial state formation, creating not unitary states but conglomerates. But they were undoubtedly more closely knit than the old, personal union had been [(i.e., the Kalmar Union)], and they were to be even more centralized and integrated during the course of the early modern period.”<sup>237</sup> Gustafsson, however, reminds us “that state formation is one of the principal processes of historical transformation in European history. The territorial, sovereign, unitary state did not exist from time immemorial, nor is it a product of industrialization and nationalism in the 19<sup>th</sup> century. It is a historical artefact [*sic*] ... a political, judicial and administrative mosaic ... that was kept together more rightly than its medieval forerunner.”<sup>238</sup> The unitary state, on the other hand, emerges at a much later date and, writes Gustafsson, as a result of the Age of Absolutism.<sup>239</sup>

In Sweden the processes of unification, and later, of centralization, integration, and bureaucratization began with the rule of King Gustav I Vasa in 1523: “Professional central and local administration enabled a regime to take a firmer grip over its lands than

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<sup>237</sup> Harald Gustafsson, “The Conglomerate State,” 199.

<sup>238</sup> Harald Gustafsson, “The Conglomerate State,” 189.

<sup>239</sup> Harald Gustafsson, “The Conglomerate State,” 190.

the medieval prince, who had his extended household (the court) and his feudal vassals as his main instruments.”<sup>240</sup> By the time Vasa’s reign came to an end Sweden seems to have become a conglomerate state: “It was with the acquisition of parts of present-day Estonia in 1561 that Sweden became a real conglomerate state. From then until 1658, Sweden acquired new provinces in the east Baltic area, in northern Germany, and on the Scandinavian peninsula [*sic*]. These provinces ... were not incorporated into Sweden proper, they did not get seats in the Diet ..., and they kept their own laws, privileges and constitutional arrangements.”<sup>241</sup>

Princes, such as Vasa, soon came under internal and external pressure to secure their sovereignty and legitimate their claims: “In order to use the resources of his realm as efficiently as possible, the ruler would feel forced to neglect the old privileges of his provinces, to establish a centralized systems that covered the whole realm, to reform the law court, and so on [eliminating all] intermediary authorities and privileges which questioned central control.”<sup>242</sup> Beginning with the eighteenth century the “conglomeration of power” was no longer a feasible alternative and, as in several other European kingdoms, a homogenization and centralization of power and the strengthening of territorial sovereignty was seen necessary.

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<sup>240</sup> Harald Gustafsson, “The Conglomerate State,” 197.

<sup>241</sup> Harald Gustafsson, “The Conglomerate State,” 199.

<sup>242</sup> Harald Gustafsson, “The Conglomerate State,” 200, 201. By 1683, all the former Norwegian and Danish provinces had ceased to be separate parts of the conglomerate state, formally being incorporated into Sweden proper. The Swedish form of government, the Swedish law code of country and towns, Swedish noble privilege (although with some amendment for the Skåne nobility) and Swedish church ordinance were enforced. (*Ibid.*, 205).

Quoting Otto Hintze's work, Gustafsson draw our attention to the importance of "international relations for the internal developments of states [where] external state formation" places a certain pressure on states and hence on their internal structural formation and power consolidation.<sup>243</sup> In the case of Sweden, during the course of the seventeenth century, the country experienced dramatic expansion and foreign conquests. The intervention of Sweden in the Thirty Years' War in 1630 (1630-1635), the establishment in 1638 of its first American colony, the acquisition of new territories as a result of the Treaty of Westphalia in 1648, and the several wars with Denmark-Norway enlarged the kingdom with lands in the Scandinavian Peninsula and the Baltics, and catapulted the kingdom onto the international scene.<sup>244</sup>

Sweden, however, was a novice in the game of great-power politics and struggled greatly with the constant pressures on its frontiers. For example, the young kingdom was facing Denmark-Norway across the region in an attempt to destabilize Sweden and to regain lost territories. In the Baltics Sweden had to keep the Hanseatic League in check, while fighting several protracted wars against Russia on all of its eastern and northeastern borders.<sup>245</sup> Simultaneously, Sweden tried to compete with expert colonizers such as the Dutch and the British and embarked on a difficult colonial adventure in the Americas. These realities presented the realm with encompassing pressures and threats, which

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<sup>243</sup> Harald Gustafsson, "The Conglomerate State," 190-191.

<sup>244</sup> Swedish possession in North America stretched along the Delaware River in what is now Delaware, New Jersey, Pennsylvania, and Maryland, but as with all its other possessions it was short-lived. Sweden also possessed two islands in the Caribbean between the late 18th and early 19th centuries: Saint Barthélemy (1785-1878) and Guadeloupe (1813-1814).

<sup>245</sup> First the Grand Duchy of Moscow, then Tzardom of Russia, and from 1700s onward Imperial Russia.

within a post-Westphalian international system of states, the centralization and homogenization of the realm, including the “Swedification” (*försvenskning*) of its subjects, was seen as a necessity for survival; this included the Sápmi and the Sámi living within it. External pressures, thus, need to be considered in tandem with internal forces and the way the dynamics between these influenced and stirred the state. Gustafsson extrapolates, from a series of thematic lectures on the Swedish state, how internal developments, influenced the consolidation of the modern state system in Sweden.<sup>246</sup>

During the Middle Ages, writes Erik Lönnroth, one cannot talk of the existence of a state in Sweden. Following a failed attempt to establish a centralized state during the late Middle Ages, Sweden fell back into the power-politics of various elite groups. At this point Sweden’s power apparatus was too rudimentary to allow for the emergence of a centralizing state. It was not until the coming to power of Gustav Vasa in 1523 that Sweden turns into an actual princely state.<sup>247</sup>

Eva Österberg, alternatively, believes that the Swedish state developed in light of two opposing forces during the 1500-1600s. On the one hand, the strong princely state developed into a dynamic factor. Here the state built a bureaucracy, attempted to develop an economy, engaged in war, and appropriated to itself the resources necessary to achieve these goals. On the other hand, Sweden was dominated by a peasant society, where the

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<sup>246</sup> In the spring of 1993 a series of thematic lectures took place at the Department of History, at the University of Stockholm, where six Swedish historians were invited to give their personal comments on the issue of the old Swedish state. (Harald Gustafsson, “Vad var staten? Den tidigmoderna svenska staten: sex synpunkter och en modell,” *Historisk tidskrift* No. 2 (1994): 203).

<sup>247</sup> Harald Gustafsson, “Vad var staten?”, 204-205.

elite was too small to establish a relative statist society.<sup>248</sup> This resulted in several peasant-uprisings, which the strong emerging state put down, but the very nature of Swedish society made Sweden a country stirred by consensus. In the 1600s Sweden, adds Österberg, was “*en maktstat med motmakt.*” *Maktstat*, as in German *machtstaat*, may also be understood as meaning *absolute* or *authoritarian*; although the concretization of a short-lived absolutism in Sweden does not appear until the end of the 1600s beginning with the reign of Karl XI (r. 1660-1697), and later continued by his son Karl XII (r. 1697-1718).<sup>249</sup> In other words, the Swedish power-state (*maktstat*) was kept in check by a countervailing force (*motmakt*), the peasant society, which counterbalanced the power of the state.<sup>250</sup>

For Jan Lindgren, Sweden in the seventeenth century began a process of militarization because of its wars with Russia and its intervention in the religious wars of the period. Furthermore, Lindgren points out is that at the end of the hostilities Sweden

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<sup>248</sup> Gunlög Fur gives an account on what constituted the peasantry during the seventeenth century: “Depending on the exploitation of their land and labor, peasants were divided into three different categories. At the beginning of the seventeenth century roughly one-third of the land was so-called skatteländ (tax land) to which freeholding peasants had title while paying taxes to the Crown. Another third were tenants of the Crown and paid rent directly to the Crown. The last third were tenants of the nobility and used land owned by the aristocracy and payed [*sic*] rent to them as landlords. On average, the actual tax and rent burden did not vary significantly between peasants of different categories. By 1654, this allocation had changed through royal donations, so that two-thirds of the farms paid rent to the aristocracy.” (Gunlög Fur, *Colonialism in the Margins*, 19).

<sup>249</sup> “The Crown formed the center of influence and force, as in most other European nations, but until the arrival of formal absolutism in the 1680s, royal power was limited in accession charter and by law. In addition the råd (council of the realm), the Riksdag (diet), and the four estates (peasants, burgers, clergy, and nobility) had executive and legislative powers. The regents exercised a highly personal form of power, just as they took direct command in war (with the exception of Queen Christina, who nonetheless employed her prerogatives as regent at home).” (Gunlög Fur, *Colonialism in the Margins*, 23).

<sup>250</sup> Gunlög Fur adds “Peasants also played a significant part in the local administrative and judicial units, the ting, and had political influence as one of the estates in the diet.” (Gunlög Fur, *Colonialism in the Margins*, 20).

did not demilitarize and in its stead continued on a build-up of its military might that turned the country virtually into a military state where the military took up a great portion of resources and manpower into military service. Prolonged military campaigns and diversion of resources and manpower toward the war-machine, however, had an impact on trade and domestic production. By the 1720s the Swedish military state was over.<sup>251</sup>

The 1700s, according to Per-Arne Karlson, saw the development of Sweden's cities and local governments and with it came a so-called a "popular democratic revolution" (*folklig demokratisk revolution*) where localism assumed more and more political capital and entered the policy-making process by influencing the workings of the Diet (*Riksdagen*). Korpijaakko-Labba, however, adds that the process of localism started already in the 1600s with the emergence and consolidation of local councils, and Lapland was not immune to this trend. In fact, in Lapland, by the end of the 1600s and well into the 1700s, the Sámi slowly replaced local commoners in local councils resulting in Sámi-majorities, or in some cases in one-hundred-percent Sámi-represented councils.<sup>252</sup>

Peter Aronsson also points to the importance of "localism" and argues that in Sweden in order to understand the development of the Swedish state one cannot take a state-centric approach and in its stead one must look at the local history. In other words,

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<sup>251</sup> Harald Gustafsson, "Vad var staten?", 205-206.

<sup>252</sup> Kaisa Korpijaakko-Labba, *Lappmannarättigheternas privaträttsliga ställning från 1500-talet till medlet av 1700-talet* (In Samerna och jordäganderätten 1. Diedut. No. 3, 1985), 19. Sjölin adds that by the 1800s Sámi political influence (or capital) was seldom found. For instance, in "Jämtland-Härjedalen the Sámi were seen as the state's responsibility and as such they were left outside of all local political matters." (Rolf Sjölin, *Samer och samefrågor i svensk politik en studie i ickemakt* (In Lantto, Patrik and Peter Sköld (Ed.). *Befolkning och bosättning i norr: etnicitet, identitet och gränser i historiens sken. Skirfter från Centrum för samisk forskning*, 2004), 239).

if one is to fully grasp the development of Sweden as a state, one must include the evolution of political activism of local communities and councils and understand how local political power influenced and shaped the central power. For Aronsson, a hierarchical-feudal custom existed side-by-side with communalist realities rather than a dichotomous dynamic of state-society.<sup>253</sup>

Lastly, Torkel Jansson, gives an insightful evaluation of Sweden during the course of the nineteenth century. For Jansson, the early 1800s saw a retreating state. The latter began to “disassociate itself” and to withdraw from interest-areas (*dissociera sig, dra sig tillbaka från tidigare intresseområden*) leaving the previously occupied space to society and consequently allowing for the emergence of a civil society filled with a multiplicity of different associations, and a so-called private sphere (*privatsfär*). Most significantly in Jansson’s account were the developments that emerged in Sweden from approximately the 1870s. The latter period sees “the new bourgeois elites increasingly becoming more influential in state affairs. At this point a new state began to emerge with new ambitions in many areas of society. With the emergent capitalist society a new balance between an active state, mass organizations, and the private sphere arise.”<sup>254</sup>

It is this last phase of state development that is of most interest for this study. In fact, it supports the theoretical claim that the emergence of the modern industrial state (in itself a product of industrialism, capitalism, and modernity) drastically changed state-

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<sup>253</sup> Harald Gustafsson, “Vad var staten?”, 207.

<sup>254</sup> Harald Gustafsson, “Vad var staten?”, 204-208.



indigenous relations where the latter was seen as a hindrance to economic prosperity, and incongruous with modern society.

Although some level of proto-industrialization did exist in Sweden, the industrial revolution brought major transformations to a predominantly agrarian society. Thorsten Nybom and Rolf Torstedahl look into the role of the state, and that of capital, in Sweden and try to identify the degree of influence over politics at the height of modern industrial capitalism. To understand the state's new roles and power over society, or Jansson's "active state," writes Nybom, we need to look at the pressures initiated by modern capitalism on the state apparatus, including politicians and bureaucrats; meaning that politics were in the hands of, and controlled by, private industrial and financial capital (i.e., right-wing industrial conservatives, *industrihögern*).<sup>255</sup>

Nybom points out that in order to understand the processes that took place one needs to look at whom or what controlled the restructuring process; that is whether the state or private capital (*privat näringsliv*) controlled the process. He continues by outlining four points illustrating the dynamics in this relationship: i) the state apparatus changed gradually through, and on behalf of, organized capital; ii) the economic penetration did not see an increase in state power. State power was intended to shield and protect private industrial capital; iii) a shift from traditional to an efficient bureaucracy was essential and this was to be achieved through a reorganization of different social spheres and through relevant occupational reeducation; and iv) it is doubtful to see the rise of an interventionist state. The state did acquire more tasks but hardly any more

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<sup>255</sup> Thorsten Nybom, "Samhällsformation," 34.

power. The intervention is to be seen in terms of services and its interventionism as passive. The new state power was never integrated into the democratic process.<sup>256</sup> Torstendahl concludes that for Nybom, in Sweden, the government did not govern over the industrial and financial capital, as it was the case in Germany. On the contrary, they let these govern the government.<sup>257</sup>

The second half of the nineteenth century (i.e., the “second industrial revolution” of the chemical and heavy industries) brought more drastic changes where modern, or *organized*, industrial capitalism took over the so-called “classical industrial capitalism” of pre-1870s and reorganized the state’s role and authority.<sup>258</sup> The turning point, writes Torstendahl, came around the 1890s when organized capitalism replaced more traditional means of industrial production with new technology, a reorganization of the labor market, and by limiting the free market through trusts, cartels, and with a certain amount of state control.<sup>259</sup> Torstendahl is, however, critical of Nybom’s beliefs that in Sweden the state

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<sup>256</sup> Thorsten Nybom, “Samhällsformation,” 36-37.

<sup>257</sup> Rolf Torstendahl, “Staten, samhället,” 506.

<sup>258</sup> Thorsten Nybom, “Samhällsformation och samhällsorganisation i Sverige: 1890 - 1975 - en principskiss,” *Historisk tidskrift* No. 1 (1986): 23, 33. Nybom and Torstendahl the classical industrial capitalism (*klassisk industrikapitalism*) of pre-1870 vs. the organized industrial capitalism (*organiserade industrikapitalism*) of post-1870. Torstendahl defines organized capitalism as “an interaction between technology, division of labor, market structuring, and social conflict.” (Rolf Torstendahl, “Staten, samhället och den organiserade kapitalism,” *Historisk tidskrift* No. 106 (1986): 504). In this context, *organized capitalism* may be translated into *modern industrial capitalism*, as found in Chandler and Takashi (1990).

<sup>259</sup> Rolf Torstendahl, “Staten, samhället,” 505. In Sweden, Torstendahl adds, “by the 1970s a corporatist form of industrial capitalism emerged where various collective actors [(e.g., Swedish Trade Union Confederation (LO), the Central Organization of Salaried Employees (TCO), the Swedish Confederation of Professional Associations (SACO), the Swedish Employers’ Confederation (SAF), and the Federation of Swedish Farmers (LRF)], outside of the formal political organization, took over the decision-making power from the diet and the government.” (Ibid., 505).

was at the “mercy” of the private industrial and financial capital, while in Germany the inner dynamics of industrial capitalism were controlled by the state.<sup>260</sup>

For Torstendahl this state-of-affairs was not the case. He argues, instead, that the “power constellations” changed from the sixteenth to the twentieth century. In the former, power was concentrated in the Crown, where the king’s power was stable, centralized, and supported. In the latter, however, the state lacked the same kind of stability and concentration. According to Torstendahl by the 1800s new power *loci*, such as labour, capital, middle class, and democratization changed the power behind, and in support of, the state.<sup>261</sup> As such, the new state was not only a complex system but was also “a dynamic force in society and within organized capitalism.”<sup>262</sup> This shift in power meant that parties on the left of the spectrum provided a counterbalancing weight that kept capital in check. In Sweden the bureaucracy, writes Torstendahl, was more independent from the politics of the moment, keeping itself aloof of private capital interests. With these counterbalancing forces the state had assumed a new role, one of responsibility for the whole.<sup>263</sup> But Nybom disagrees and insists that seeing the state as interventionist notwithstanding, the expansion of the new state was characterized by an adaptation to the organized capitalism’s own dynamic.<sup>264</sup>

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<sup>260</sup> Rolf Torstendahl, “Staten, samhället,” 506.

<sup>261</sup> Rolf Torstendahl, “Staten, samhället,” 510.

<sup>262</sup> Rolf Torstendahl, “Staten, samhället,” 511.

<sup>263</sup> Rolf Torstendahl, “Staten, samhället,” 506-507.

<sup>264</sup> Thorsten Nybom, “En fråga om problemformuleringsprimat,” *Historisk tidskrift* No. 106 (1986): 515-518.

Whether the state controlled capital or capital controlled the state by reorganizing the dynamics of state intervention in the economy and society, these new forces and actors were reshaping society, and with it, the traditional *status quo* of the individual; i.e., *modernity*. This reorganization made traditional means of subsistence, such as those of the Sámi, incompatible with the essential character, or *raison d'être*, of capitalism.

In the midst of these changes we find the Sámi's social, political, and economic environs caught in the centrifugal forces of the moment. In Sweden, the centralizing power of the state, combined with emerging localism, capitalist goals, and various international pressures slowly transformed the space and territory, and consequently the lives, of the Sámi. Although in the 1700s the Sámi, according to Korpijaakko-Labba, managed to gain local political capital this was short-lived. By the 1800s, i) territorial re-mapping, ii) a wave of policies and reforms directed to the northern territories and the Sámi, iii) the emergence of an “active state,” as opposed to the state under control of the crown, and iv) a capitalist society, stripped the Sámi of any localized autonomy and rights placing them under the complete tutelage of the state. The next section traces this process of transformation and explores some of those changes and how they impacted policies of colonization and reforms in the areas of education, taxation, economics, law, and religion. These events are believed to have been pivotal for the changing state-Sámi relations and for the “restructuring” and recodification of their histories, identity, and *status quo*.

### *Swedish Sámi Policy*

The making of what Amft labeled the “Authentic Sámi” is the result of a series of systematic policies meant to bring the Sámi under the direct control of the Crown, and later the state, which began with the reign of Gustav I Vasa. Roger Kvist has proposed a series of periodizations outlining, what he called, “Nearly 450 years of Swedish Sámi policy.” With a few modifications, I will borrow Kvist’s categorizations to help me place Swedish Sámi Policy in perspective (see also Table 1): i) the infiltration period (1328 – 1635); ii) the exploitation period (1635 – 1673); iii) the colonization period (1673 – 1749); iv) the second wave of colonization (1749 – 1846); and finally v) the displacement and assimilation period (1846 – 1930).<sup>265</sup>

#### *i) The Infiltration Period (1328 – 1635)*

Swedish infiltration of Sápmi was gradual and multifaceted. Written accounts of contact between the Swedes and the Sámi date back to the 1300s. Korpijaakko-Labba writes that royal jurisdiction over farmer-merchants (*birkarlar*) and settlers (*nybyggare*) in the north had been established in 1328 through royal decree. By 1340 Lapland was officially annexed to the Swedish legal system and judicial administration.<sup>266</sup> At first the reach of the state was limited and the Crown had to rely on these farmer-merchants, called *birkarlar*, living along the Bothnian coast for trading and taxation. Here, the *birkarlar* “in

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<sup>265</sup> Roger Kvist, *Swedish Sami Policy 1548-1992* (In Heininen, Lassi (Ed.). *The Changing Circumpolar North: Opportunities for Academic Development*. Third Circumpolar Universities Cooperation Conference November 30-December 3, 1992. University of Lapland, Rovaniemi, Finland. Arctic Center Publications, University of Lapland, 1994, No. 6), 40-42.

<sup>266</sup> Kaisa Korpijaakko-Labba, *Lappmannarättigheternas*, 12.

accordance with letters of royal privilege, they formed trading families with a monopoly on trade and taxation in the lappmarks;” making Lapland, since the Middle Ages, an important source of trade and tax revenues for the Crown.<sup>267</sup> During this early infiltration period trade with the Sámi was considered a small, and yet vital, component of Swedish trading power in the Baltics. The goods that the Swedish Crown received through these farmer-merchants were then shipped down to Stockholm and by so doing Lapland was incorporated into the Swedish-Hanseatic trade network, while through the taxation of the Sámi the territory was incorporated into the Swedish feudal administration. Yet neither the King nor the Catholic Church managed to establish a factual administration over the region.<sup>268</sup>

With the advent of Gustav I Vasa’s reign the *birkarlar*’s royal privilege was removed in 1548 and the Sámi came under direct royal control, including taxation, and the king’s bailiffs became responsible to collect taxes from the Sámi in the northern territories. The change in policy was taken with mixed feeling according to Peter Sköld: “These tax officers demanded higher and higher taxes as the century progresses ... But the bailiff’s also traded with the Sámi, for their own benefit ... On several occasions the Sámi complained to the government that the bailiff’s trading methods were no better than plunder.”<sup>269</sup>

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<sup>267</sup> Gunlög Fur, *Colonialism in the Margins*, 52.

<sup>268</sup> Gertrude Hanes, *Staten och lappmarken* (In Vedin, Maria (Ed.). Jokkmokk: natur och kultur genom tiderna. Jokkmokk: Jokkmokks kommun i samarbete med Áttje, Svenskt Fjäll- och Samemuseum, 1999), 112.

<sup>269</sup> Peter Sköld, *The man who came down a mountain: the Sámi in Karesuando and Roland Bonaparte* (In Hansson, Heidi, and Jan-Erik Lundström (Ed.). Looking North: representations of Sámi in visual arts and

Heightened rivalry between Sweden, Denmark, and Russia increased the need to lay claim to Lapland. In 1607 Karl IX (r. 1604-1611), son of Gustav I Vasa, decreed that in order to support the army's need for consumables the Sámi had to pay taxes in kind in the form of reindeer meat and dry fish.<sup>270</sup> Consequently, by the mid of the 1600s, Sápmi became a vital economic and strategic asset for Sweden, which saw its northern territories as a source of taxation, trade, natural resources, and geopolitical power (i.e., the Arctic Ocean) in relation to Denmark-Norway and Russia.<sup>271</sup> At the time of Karl IX the Sápmi fell under Stockholm's focus and a policy of fiscal reforms and settlement policies, at least in principle, were put into motion. Border and land commissioners were sent to Lapland to map out Sweden's taxation rights in the north and also to find suitable places for churches and farming.<sup>272</sup>

The economic activities and subsistence practices of the Sámi did change with the changing economy of Sweden and of the region. Indigenous Sámi economy in the Middle Ages, writes Wheelersburg, was primarily subsistence oriented characterized by "hunting/trapping, fishing, and primitive reindeer husbandry [and was] capable of

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literature. Umeå: Bildmuseet, Umeå universitet, 2008), 165. Sköld adds, "Nils Oravainen appears particularly frequently in these contexts. He was a bailiff in Torne Lapland for 28 years and in this period he managed to be removed and reinstated again no fewer than three times. In 1576 he was accused of collecting his taxes in the nighttime when no one could check what was going on. He had also attempted to monopolise the trade with the Sámi and generally behaved in a deceitful manner." (Ibid.).

<sup>270</sup> Gertrude Hanes, *Staten och lappmarken*, 113.

<sup>271</sup> Gunlög Fur, *Colonialism in the Margins*, 51. Fur describes the importance of the northern territories in this manner: "Early on in the seventeenth century, Swedish kings desired a clear passage to the Arctic Sea for strategic reasons and trade. Later, the forests of north Sweden took on significance for shipbuilding and iron production and dreams of silver and other precious metals grew in the minds of policy makers." (Ibid., 3).

<sup>272</sup> Gertrude Hanes, *Staten och lappmarken*, 114.

producing a small surplus for trade ... Around the beginning of the seventeenth century, some Saami began to concentrate exclusively on herding [and the] indigenous [Sámi] economies produced state revenues.”<sup>273</sup> The Sámi, together with Swedish, Norwegian, and Russian traders contributed to the overall prosperity of trade in the northern region and became of vital importance, especially to Sweden during its extensive foreign wars; for instance, from “1735 until 1840, exports from the north Bothnian port of Luleå averaged nearly 5,000 hides per year.”<sup>274</sup> It is doubtful to find similar economic dynamics in the thirteen British colonies, and to a certain extent, later during the early years of the United States. For one thing the relation between the colonial governments and the indigenous populations in British America cannot be compared to those of the Crown and the Sámi in Lapland. In the former case, trading between the Natives and the Europeans were often a private enterprise with very little, if with any government regulation. Furthermore, Native populations were, generally, not subjects of the colonial governments and were not taxed in the same manner as the Sámi were. Finally, the colonial governments, and that of the early United States, did not see the Indian Americans as vital for their economies as the Sámi came to be for Sweden.

The seventeenth century was marked by constant war (with Poland, Germany, Russia, and Denmark), and an attempt was made to modernize what was still a

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<sup>273</sup> Robert P. Wheelersburg, *Northern Peoples - Southern States: Maintaining Ethnicities in the Circumpolar World* (Umeå: Centre for Regional Science [Centrum för regionalvetenskaplig forskning], Univ. (CERUM), 1996), 153, 161, 162.

<sup>274</sup> Robert P. Wheelersburg, *Northern Peoples*, 155.



predominantly agrarian society.<sup>275</sup> The need to modernize was seen as a necessity if Sweden was to earn a place among the great colonial powers of Europe. Some of the first acts of Karl IX were to attempt to reform the legal system and rid it from its popular and superstitious elements. According to Aalto et al., “popular elements were still blended with theology and jurisprudence in the administration of justice ... Karl IX, for instance, declared that the popular elements in both faith and law were too large and should now be eliminated.”<sup>276</sup> To this end, in 1608, Karl IX introduced “Mosaic law [which] was appended to the national law of Sweden ... The task now laid upon the learned estate was colossal; the clergy at all levels – especially the bishops – were to raise the people from the superstition and idolatry that they had previously practised ... All false belief and superstition – ‘which tends to be great among the common men’ – had to be eradicated, and they would instead cling to ‘fear of God’ and show ‘obedience to the authorities’.”<sup>277</sup>

Looking at the reformation of the legal system is important because, as with the fiscal reforms, this opens a window into the processes of transformation that not only changed society in general, but also affected the Sámi in particular. Aalto et al., elaborate on this point through their extensive research on the Swedish “judicial revolution” and

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<sup>275</sup> Gunlög Fur, *Colonialism in the Margins*, 17.

<sup>276</sup> Seppo Aalto, Johansson Kenneth, and Sandmo Erung, *Conflicts and Court Encounters in a State of Ambivalence* (In Österberg, Eva, and Sølvi Sogner (Ed.). *People Meet the Law: Control and Conflict-Handling in the Courts: the Nordic Countries in the Post-Reformation and Pre-Industrial Period*. Oslo Universitetsforlaget, 2000), 207.

<sup>277</sup> Seppo Aalto, Johansson Kenneth, and Sandmo Erung, *Conflicts and Court Encounters*, 205, 209. “Yet it was clear in the seventeenth century that the Bible was beginning to have primacy of interpretation. Through Christ the action was given its ultimate illumination.” (Ibid. 214).

the effects it had on the peasant population. Taking the example of the peasantry as a starting point one can easily map the fairing of the Sámi during this period:

In the sixteenth and early seventeenth century the central government to a large extent accepted the primacy of the local truth in court. Local peasants passed judgement [*sic*] in the court. The institution of oath helpers meant that truths about guilt were determined by the local community's own members. From the seventeenth century on, it became increasingly clear how the authorities propelled a development on two levels: first a concrete, personal entry into the court, in the form of state officials present in the court and exerting a growing influence; second, a large-scale expansion and systematization of the laws. The state took over more and more of the concrete power in the judicial arena and used this power to establish a new categorizing mentality. Corresponding to this growth of the state, local institutions of truth – the jurors and oath helpers – disappeared. The effect of this development was a change from peasant nominalism to a more central categorizing truth. The truth about an action now no longer rested in the local context where it happened, but in whether or not it fitted a centrally defined classification. This in turn had great repercussion for the use of evidence, narrative structures, and 'discursive orders' in court.<sup>278</sup>

In the Sámi context this development meant that Sámi traditional norms of guilt, retribution, and penance (i.e., local nominalism) were being replaced not only by a "central categorizing truth," but also by a Swedish, rather than Sámi, "truth." Slowly, Sámi cultural and communal understanding of justice was eroding until by the end of the 1700s it was completely replaced by a central narrative. The authors further add that with the transformation of the legal system the role of the court also changed. In fact, since the reign of Gustav I Vasa in the 1520s the court was "perceived as an institution in between two forces: the king and the people."<sup>279</sup> With the evolution of the political system, however, and with the increase of parliamentary power in the 1600s and 1700s, the role

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<sup>278</sup> Seppo Aalto, Johansson Kenneth, and Sandmo Erung, *Conflicts and Court Encounters*, 225.

<sup>279</sup> Seppo Aalto, Johansson Kenneth, and Sandmo Erung, *Conflicts and Court Encounters*, 228.

of the court changed into an “intermediary” between the people, through the Diet, to the king.<sup>280</sup>

With the annexation of the northern territories in the 1300s the question of whether the Sámi were seen as subjects (or citizen) or as aliens within the realm needs to be raised. Centuries before Gustav Vasa’s reign, the Sámi have traditionally been seen as subjects of the king. This perception was reciprocal and the Sámi too generally saw themselves as subjects, rather than “citizens” of Sweden. It is doubtful, however, that the Sámi’s understanding of “subjects” would equate to underlings or minions. In fact, from the readings one gathers a different picture. The Sámi consented to fall under the jurisdiction of the king, through the payment of taxes, as a practical necessity, where a compromise of protection was established “since time immemorial.” Although the motives of the Swedish Crown must have been other than the mere protection of the Sámi, this compliance established a special relationship between the Crown and the Sámi where the Sámi were given royal protection and special status and they could directly address the king in dispute cases.

In 1551 Gustav I Vasa in an open letter addressed the Sea Finns and the Mountain Sámi (*sjöfinnar och fjäll-lappar*) as “our and the Swedish Crown private minions/subjects” which, according to Heikki Hyvärinen, meant they belonged to the Crown and within the realm’s borders.<sup>281</sup> This status did not change with subsequent monarchs. King Johan III in 1584 and Duke Karl in 1602 addressed the Sámi in Lapland

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<sup>280</sup> Seppo Aalto, Johansson Kenneth, and Sandmo Erung, *Conflicts and Court Encounters*, 228-229.

<sup>281</sup> Heikki J. Hyvärinen, *Lapprätten Ett Samiskt Rättsystem?*, 105.

in similar terms. Duke Karl, on the day of his coronation in 1607 as King Karl IX, added to his title “King of the Lapps.” This addition was not, however, widely or easily tolerated by neither Russia nor Denmark-Norway. In fact, both crowns complained and Denmark even requested a written explanation of Sweden’s title, claim, and taxation practices in the north. This claim seemed to have been a serious matter for Denmark and it is shown in the Peace Treaty of Knäred, signed on 21 January 1613 ending the Kalmar War (1611-1613) between Denmark and Sweden, where Denmark asks Sweden to remove the title of “King of the Lapps” from the king’s name.<sup>282</sup>

For some, the very fact that the Sámi were considered, and considered themselves, “subjects of the king” since the Middle Ages, makes the argument of colonization, whether domestic or not, difficult. Yet, there is a general consensus that despite this seemingly ambivalent status a policy of colonization and settlement of the northern territories did occur. Gunlög Fur writes that Sweden’s policies towards the northern territories were at par with the “European colonial mentality,” where Sweden’s colonialism in Lapland was an attempt “to integrate the Saamis into the realm on Swedish conditions and sometimes with the use of force,” and to bring civilization and culture to the unsophisticated heathens of Finland, Sápmi, and North America.<sup>283</sup>

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<sup>282</sup> Heikki J. Hyvärinen, *Lapprätten Ett Samiskt Rättsystem?* (In Lasko, Lars-Nila (Ed.) *Lappcodicillen av 1751 - var det samernas Magna charta? Sámi instituhtta, Guovdageaidnu/Kautokeino. Deidut No. 1, 1989*), 105-107.

<sup>283</sup> Gunlög Fur, *Colonialism in the Margins*, 7. Fur, quoting Daniel Lindmark, continues to point out that “Swedish colonies were thus either too marginal or atypical to place Sweden alongside such proper colonial powers as Spain, England, or Holland. Daniel Lindmark discusses the terminology in relation to missionary and educational programs directed at the Saamis and finds that by using the term colonization in its strict meaning of cultivating new land and establishing new settlements, colonial power relations are obscured in Swedish research concerning Lapland. Describing Swedish expansion as an inner colonization makes it possible to view Saami country as an inherently Swedish territory. If one decides to define Sápmi as a part

Per Brahe The Younger's travel journals, and other writings as minister of justice (*riksdrotts*) and governor of Finland show the need of increased state presence and acculturation practices: "Brahe, in his program for improving the civility of [the Finnish peasants], emphasized increasing centralization of state and church control and the establishment of a school system ... Similar views and programs would also follow from the meeting with Saamis."<sup>284</sup>

The Christianization of Lapland had a relatively slow start and initially with very little success. Queen Margareta (r. 1387-1412), the Danish monarch whom ruled the Union of Kalmar during this period, made the first (unsuccessful) attempts to Christianize the region. It was not until the advent of King Gustav I Vasa, in 1526 that the first concrete attempt of Christianization took place. In 1559, for instance, a series of Sámi Lutheran priests (*lapppräst*) began missionary work in Sápmi in an attempt to Christianize the northern territories and its inhabitants.<sup>285</sup> It was, however, the full force of the Lutheran orthodoxy and the increase administrative role and power of the Swedish Lutheran Church in the early 1600s that finally succeeded in bringing the Sámi under

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of the Swedish kingdom, then one simultaneously opts out of the possibility of placing the Swedish policy in Sápmi in a colonial context. Then the development in 'the Swedish Lappmarks' inherently differ from the colonialism other European colonial powers practiced on other continents. Lindmark chooses to view the Swedish presence in Sápmi as an expression of colonialism because to do so is to admit that 'the relationship between Swedes and Saamis has always been asymmetric [*sic*].'" (Ibid., 7-8).

<sup>284</sup> Gunlög Fur, *Colonialism in the Margins*, 25-26. Fur adds, "By the mid-seventeenth century, the image of the "Indian" had already acquired the characteristic of a prism for a critique of civilization among learned men in Europe. The Saamis living in the far north came under scrutiny as an exotic people who could also be employed in comparisons between nature and society, yet their actual presence in the Swedish realm forced a more critical evaluation of their behavior as subjects of the Monarch." (Ibid., 27).

<sup>285</sup> Gertrude Hanes, *Staten och lappmarken*, 113.

control.<sup>286</sup> Thus, as was the case in other colonial contexts, Sweden's reeducation of the Sámi began through Church missions and missionaries. The primary goal, however, was not direct conversion, but rather the anointing of priests of Sámi origins in the hope for a more successful conversion.<sup>287</sup> By the 1700s, with the increase Christianization of the Sámi, there was the establishment of schools throughout Sámi territories.

The reach of the state in the northern territories was achieved with the establishment of a state bureaucracy controlled by the Crown and it was meant to be an extension of royal power. This power was exercised through a series of market places. The market place, writes Fur, becomes the space of encounters between the Sámi and the Crown. It was here that the state exerted its control over trade and taxation through bailiffs and the establishments of state's institutions like courthouses (*ting*) and churches:

Swedish laws stipulated that the Saamis were obliged to be present at markets during specified times of the year. Saamis appeared to view these markets as mixed blessings. On the one hand, the opportunity for trade and social events made them attractive, while the demands of church and court posed problems and dilemmas. Swedish officers frequently complained about Saami absences from the markets and Saamis regularly dissented about the market place organization.<sup>288</sup>

Already by the early 1600s the church assumed more and more of these bureaucratic duties, which by 1686, it was given the responsibility of keeping church records (*kyrkböcker*). The church, according to Sköld, became an "instrument of control" to manage the realm and the people; which included tax and property records. Through

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<sup>286</sup> Gertrude Hanes, *Staten och lappmarken*, 113, 116.

<sup>287</sup> Gunlög Fur, *Colonialism in the Margins*, 77-78. Fur adds that beginning in the 1700s "the numbers [of Sámi pastors] dwindled, partly due to the fact that the authorities considered the experiment with Saami clergy as something of a failure." (Ibid., 78).

<sup>288</sup> Gunlög Fur, *Colonialism in the Margins*, 63.

church records and the workings of the Church in 1749 the first census was conducted and by this time the state began to have better control of its population.<sup>289</sup>

The incivility of these populations was often connected with notions of mental and racial inferiority. In the seventeenth and eighteenth centuries, writes Fur, several commentaries on the language and mental capacities of both Native Americans and Sámi were widely circulated. This literature joined the bulk of accounts on the wild savage (*vilde*) and depicted an image of inferiority. For instance, as found in Fur:

Consequently Peter Lindeström could write concerning the Lenape tongue “that it is a poor language, that one word may have many meanings.” Schefferus concluded about Saami speech that it appeared to have been construed from neighboring languages, particularly Finnish, even though there existed certain words that were uniquely Saami. This allegedly derivatory [*sic*] character of the language served as a sign of inferior intelligence ... Other Swedes, and their European contemporaries, digested reports of cannibalism and allegations that the new peoples they encountered knew nothing about God but worshipped the devil with loud shouting and vulgar dancing, and drew the conclusion that these were indeed savages. They were inclined to agree with Lindeström’s conclusion: “In short these Indians are people of various qualities and more inclined towards bad than towards good.” In this division, Saamis and Indians became firmly lodged on a lower and less human niche than their white Swedish neighbors.<sup>290</sup>

With this in mind the Crown made every effort to *Swedify* the Sámi into reliable subjects, and at the forefront of the Swedification lie the establishment of churches and compulsory religious education.<sup>291</sup> Pastors, supported by the local authorities, demanded “for presence in the churches on prayer days and holidays, their insistence that Saamis baptize their children, take communion, marry in church and bury their dead in a Christian manner had a direct influence on everyday life and in this way affected almost

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<sup>289</sup> Peter Sköld (1999) writes that no other country, aside Finland, which at that time was part of Sweden, had such a detailed picture of its population as Sweden.

<sup>290</sup> Gunlög Fur, *Colonialism in the Margins*, 35, 36, 37.

<sup>291</sup> Gunlög Fur, *Colonialism in the Margins*, 62-63.

every individual.”<sup>292</sup> In addition, the church was primarily used for the cultural and spiritual conversion of the Sámi:

Two areas where Swedish officials were determined to restructure Saami society regarded sexual and religious practices. Representatives of the Swedish state initiated cases dealing with sexual offences and crimes against the Church and these often led to cultural conflict ... The state and the church fought adamantly to prevent and punish Sámi marriage practices and extra marital sexual relations.<sup>293</sup>

The discovery of silver ore in 1634 in the northern territories, bordering Denmark-Norway, at *Nasafjäll*, changed the importance of the lands occupied by the Sámi. The find was compared to “the West Indies and Sweden’s financial troubles were expected to diminish with each hammer blow.”<sup>294</sup> The north suddenly became strategically more vital than it was thought to be and it was hoped to provide Sweden with an opportunity to fulfill its imperial destiny. The find also changed the Crown’s policy toward the Sámi and toward the northern territories. In fact, a reorganization of the Lappmarks was seen necessary to guarantee the protection of the Swedish interests in the north. The consolidation of Swedish control over these territories was not however going to occur through the establishment of forts and the presence of garrison. On the contrary, the first order of business, under the auspices of Queen Christina (r. 1633 – 1654), writes Fur, was the construction of four new churches in Pite Lappmark: Arvidjaur, Arjeplog, Silbojokk, Nasafjäll.<sup>295</sup>

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<sup>292</sup> Gunlög Fur, *Contacts between the Saamis*, 67.

<sup>293</sup> Gunlög Fur, *Colonialism in the Margins*, 71, 72-75.

<sup>294</sup> Gunlög Fur, *Colonialism in the Margins*, 60.

<sup>295</sup> Gunlög Fur, *Contacts between the Saamis*, 63.



ii) *The Exploitation Period (1635 – 1673)*

The discovery of silver in Pite Lappmark resulted in the opening of a mine in 1635. New territorial policies were drafted all with the purpose of keeping both land and Sámi under Swedish jurisdiction: “schools and churches were built, and parishes founded anew.”<sup>296</sup>

The mine did not fulfill Sweden’s financial expectations and its imperial ambitions never completely materialized. Despite the Swedish disappointment, the mine had a detrimental effect on the Sámi as many were hindered to pursue herding practices and were instead forced to work in extraction and in transportation.<sup>297</sup> As found in Fur:

Transportation had to be carried out in the wintertime and the heaviest part of the work fell on the mountain Saamis in nearby villages belonging to the *Arjeplog* region who were drafted to take the silver from the mine to the village *Silbojokk*, where it was processed some forty miles away across treacherous terrain. The reindeer were the only pack animals that could endure the climate and the loads, and the Saamis were ordered to divide into groups that could be called upon to haul the freight. These Saamis were called *hållappar* (kept men) and the villages had to maintain a rotating schedule where each Saami was supposed to do three years in service for the mine. Compensation consisted of freedom from taxes and some payment in kind of flour, woolen cloth, tobacco, salt, and liquor. In spite of the payment and despite threats of harsh punishments for avoiding service, many fled from these duties.<sup>298</sup>

Although the *Nasafjäll* mine did not produce the expected riches the region was further explored in search of more silver and other metals and minerals. This exploration meant further infiltration and the introduction of a policy of exploitation that changed the relation between Crown and the Sámi population in Pite Lappmarks, but also in the

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<sup>296</sup> Roger Kvist, “The Racist Legacy in Modern Swedish Saami Policy,” *Canadian Journal of Native Studies* Vol. 14, No. 2 (1994): 205.

<sup>297</sup> Roger Kvist, “The Racist Legacy,” 205.

<sup>298</sup> Gunlög Fur, *Colonialism in the Margins*, 61-62.

remainder of the northern territories.<sup>299</sup> The mine also caused tensions between Sweden and Denmark-Norway and in 1659 Denmark-Norway sent a small contingent to burn down the mine and destroy its production.

It is not, therefore, surprising to see that by the late 1630s the Crown's efforts to control the northern territories and the Sámi within changed dramatically. The oldest court records of 1639 show not only that trials were now presided by a judge,<sup>300</sup> but, as Phebe Fjellström argues, there was an "intimate connection between the court, the collection of taxes, and trade."<sup>301</sup> For instance, as found in Fur:

In this way, Tornæus described the triumvirate of bailiff, judge, and pastor who represented the Crown of Sweden in every Lappmark. The establishment of a unified national legal system was considered essential for state power and extending that system formed an indispensable part of the Swedish efforts to integrate the North. The local courts, called ting, introduced at the market places as a tool for disciplining, nonetheless often seem to have functioned as forums for solving local conflicts. As in other parts of the country, written law combined with local custom. In all cases where written law did not apply, the courts were expected to rule according to local customs. Thus, Swedish practice allowed room for legal interpretations based on the practices of the original inhabitants of the land. At these yearly courts, a Swedish justice presided and was aided by twelve lay assessors. The judge was Swedish but the jury came to consist almost exclusively of Saamis in nearly all of the lappmarks [*sic*] ... In matters concerning land conflicts between villages, as when borders had been violated through illegal hunting, the courts invariably ruled according to traditional Saami law.<sup>302</sup>

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<sup>299</sup> The northern territories became eventually important for a variety of extractions, such as of potash, saltpeter, and tar. In addition, by the 1860s, the timber industry and the emergence of several sawmills made the region very important for the Swedish economy. (Erik Bylund, "Koloniseringen av Pite lappmark t.o.m. år 1867 – The colonization of Pite lappmark until 1867," Uppsala [Sweden]: Almqvist & Wiksells. *Geographica* No. 30 (1956): 424).

<sup>300</sup> Kaisa Korpijaakko-Labba, *Lappmannarättigheternas*, 16.

<sup>301</sup> Phebe Fjellström, "Jurisdiktion och gränsdragning i Västerbottens lappmarker under 1700-talet. Några anteckningar ur Nensénska handskriftssamlingen," *Rig* Vol. 56, No. 3, (1973): 66.

<sup>302</sup> Gunlög Fur, *Colonialism in the Margins*, 69. Korpijaakko-Labba points out that although the court official language was Swedish, an interpreter was always available in cases where either the defendant or the plaintiff, or both, spoke Sámi. (Kaisa Korpijaakko-Labba, *Lappmannarättigheternas*, 18).

In its early beginning the reach of the state was not at all adequate and it often struggled to implement its own rules and decrees. For instance, tax payments were often made in the form of dry reindeer meat, dry fish, reindeer hides, and other pelts and furs. These items were also well sought after trade items. Both Sámi and Swedes engaged in contraband and tax evasion by circumventing the trading posts to avoid either to pay taxes, or the forced attendance of church services, or both. Fur writes, “The efforts of the crown to control trade, partly through prohibiting all trade outside the official markets, and partly through seeking to match villages with market places according to its own design often proved vain.”<sup>303</sup> This reality shows that the general state of affairs up to the mid-1700s seems to give the Sámi a certain degree of independence from the Crown and the Church by avoiding taxes, church attendance, and by crossing over into Norway when the need occurred.<sup>304</sup>

The efforts of the Crown did not preclude Sámi rights, such as land rights. The notion of territoriality has already been dealt with in the previous chapter, however, it is important to point out that during this period, marked with intense infiltration and exploitation, notions of Sámi territoriality did exist and were relatively respected; the keyword being *relatively*. Karpijaakko-Labba writes in a similar vein as Karppi and shows that research in court records and travel journals talk of clear territorial delineation

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<sup>303</sup> Gunlög Fur, *Contacts between the Saamis*, 66. Fur adds, “The Swedish authorities did not approve of any off-market trade. Repeatedly, officers of the courts tried to ban such practices. Records from the court in Åsele 1659 proclaim that: the peasantry [Saamis] were seriously told and ordered ... to sell their goods at the right market place, and not carry on trade in the countryside, as some of them do. Should anyone go against this, he shall be fined, and officers of the courts will be held responsible if they cannot hinder them from traveling down the country to trade.” (Gunlög Fur, *Colonialism in the Margins*, 66).

<sup>304</sup> Gunlög Fur, *Svenskarnas uppfattning*, 40.

among the Sámi. It is then clear that the Sámi had a concept of private property. It was often the case that Sámi villages marked borders on stones and other landmarks. Also, Sámi families marked their land possessions and water rights in similar fashion, and that these practices seems to date back to the Neolithic Age.<sup>305</sup> In this context, Fur writes, “Swedish taxation policies and claims of sovereignty did not entail a denial of Saami land possession. On the contrary, taxes and strategic needs ensured that Saami possession of land was both accepted as a fact and relied upon in legal interpretation.”<sup>306</sup> This attitude seemed to have been practiced until at least later legislations, in the eighteenth and early nineteenth centuries. Then a process of dispossession began, and with it, Sámi land rights vanished from “historical memories.”

Times were changing by the mid-1600s. The Peace of Westphalia in 1648 marked the beginning of a new era in the relations among sovereign nations and this meant a reevaluation of the *Swedification* of the nation. The Crown’s effort to Swedify precarious regions of the realm (whether Skåne, Finland, or Lapland) or sections of the population still practicing Catholic liturgy, were broadened:

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<sup>305</sup> Kaisa Korpjaakko-Labba, *Lappmannarättigheternas*, 25-28.

<sup>306</sup> Gunlög Fur, *Colonialism in the Margins*, 53. Fur adds, “According to seventeenth century concepts, tax payment formed the basis for land possession. Treatment of Saami claims in the district courts demonstrate that Saami rights to land and water were, until ca. 1750, a right of possession equivalent to the rights of peasants to taxland and as such enjoyed the full protection of the legal system. These rights included protection of possession as well as hereditary succession to land. The objects of these rights were taxlands and Saami villages. The taxlands belonged to individual Saami households, while the villages controlled land that was held in common and oversaw collective activities such as communal hunting and fishing. These lands were separated by legal boundaries as all other properties. Nils- Johan Päiviö, who followed the records of the Labba family back to 1638, found that ownership to land was strong and included all forms of rights and protection. However, after the border settlement in 1751, Saamis began to experience an erosion of their rights. Issues regarding Saami land rights were increasingly removed from legal adjudication and instead became matters for district authorities to determine.” (Ibid.).

From the perspective of the Swedish state, intensified contacts during the second half of the seventeenth century led to an increasing concern with Saamis as an “other” within the realm. Interest in the north waxed and waned with the demands and worries of relations with Nordic and Baltic neighbors, but increasing knowledge also led to self-criticism and intensified efforts at altering the minds and practices of Saami subjects ... With Karl IX followed a concrete policy of integrating the Saamis, a policy which I argue meant that Lapland’s status came to resemble that of a colony. This policy consisted mainly of three parts: taxation, education, and conversion, all three important measures in dealing also with other subjects, but the effort and the royal protection differed from elsewhere in the realm. This period of intensification did not prove to be easy. For reasons of trade and defense, the Saamis had to be kept as Swedish subjects [A few became] pastors, schoolmasters, and farmers.<sup>307</sup>

Despite some pockets of fervent opposition to cultural integration the eighteenth century began with the state having concretized its presence in the north, with the Sámi showing less and less resistance.

In 1670 Johan Graan, governor of Västerbotten province, himself of Sámi origin, pushed for an active policy toward Lapland and requested “that the Lappmarks should be surveyed and a register be established over all the Saami taxlands in order to better plan Swedish homesteading and colonization. Graan proposed a so called “parallel theory,” according to which Saamis and peasants were not competitors for land in the Lappmarks but used different resources.”<sup>308</sup> This “parallel theory” eventually came to dominate Swedish-Sámi policy and began a process of differentiating between Mountain and Forest Sámi; this approach eventually led to increased tensions in the north not only between Sámi and Swedish settlers but also in-between Sámi:

According to [Graan], the true reindeer nomads lived in the mountainous region and were vital for the defense of the country. However, Saamis living in villages in the forests resembled Swedish peasants and ideally should be made into regular farmers. Their mixed economy, he wrote, was compatible with farming. Graan suggested measures to influence settlers to move in and he encouraged the forest Saamis to be trained in the

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<sup>307</sup> Gunlög Fur, *Colonialism in the Margins*, 86, 247, 261.

<sup>308</sup> Gunlög Fur, *Contacts between the Saamis*, 64.

farming trades ... Graan's suggestion emphasized two important contentions that became influential for all later developments in Saami policy. First, he linked the Saami to the reindeer so that the two, human and animal, became virtually indistinguishable. Second, he argued that persons were defined by their subsistence activities and not by ethnic markers.<sup>309</sup>

Following on Graan's argument the Crown soon understood that the only way to control and assimilate the Sámi was to "curb their itinerant habits." As mentioned above in chapter two, nomads and other "unreadable" groups, such as minority nations or indigenous peoples, needed to be translated (i.e., converted) into the common language of the state in order to fit within the state's mold and purpose. In the case of the Sámi, the Crown needed to diminish the number of Sámi practicing reindeer husbandry. To this end, the continued differentiation between forest and mountain Sámi began a gradual process of reduction and control. Forest Sámi were "encouraged" to become sedentary farmers "through altered systems of taxation and regulations regarding the use of the great northern forests," while the livelihood of mountain Sámi were regulated through specific policies and legislations.<sup>310</sup>

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<sup>309</sup> Gunlög Fur, *Colonialism in the Margins*, p. 57-58. "It is highly significant that only those Saamis who practiced the Saami trades [(i.e., reindeer husbandry)] were considered as "lapps." If a Saami broke new land as a settler or took up animal husbandry, then he was no longer regarded as a "lapp" but became a "peasant." "Saami" was not, from an administrative point of view, an ethnic or racial concept, but a technical term for the practitioner of certain trades. It is not known what it was that motivated Graan to expand on this understanding. However, his conception clearly diverged from what was rapidly becoming the dominant image from the end of the seventeenth century and onwards, which painted Saamis as exotic and constitutionally different from Swedes and other civilized peoples." (Ibid., 59).

<sup>310</sup> Gunlög Fur, *Colonialism in the Margins*, 69, 70-71. "However, the pressure was not similar in all Lappmark regions and whether conscious or not the state devised a strategy of dividing Saami resistance to colonization by employing different approaches to forest and mountain Saamis. This policy exacerbated differences among Saami villages and resulted in full-blown patriarchal measures further dividing Saami people during following centuries." (Gunlög Fur, *Colonialism in the Margins*, 258). Sköld adds, "Also Sami who left the reindeer husbandry became settlers. In Lapland this was based on the so-called parallel theory, whereby reindeer herdsman and farmers were to work side by side without impinging on each other's preconditions." (Peter Sköld, "Development, adjustment and conflict: the Sami and reindeer husbandry in Sweden in the light of political, social and economic changes," Agriculture and forestry in

Sweden's great-power politics in the second half of the 1600s faced two important, and related, problems. Firstly, the expansion needed raw material to supply the army and navy with weapons and vessels. Secondly, the armed forces needed to be fed.<sup>311</sup> In addition, the increase contention of the northern territories by Denmark-Norway and Russia posed a security concern in Stockholm. As such, intensifying the infiltration and exploitation of the northern territories provided the answer to all of the Crown's concerns. So, 1673 marked "the official starting point of the Swedish colonization of Lapland."<sup>312</sup> Johan Graan, quoted in Arell, understood it as being vital for Lapland to be "settled and populated" (*kunna besättas och populeras*).<sup>313</sup> This way Sweden could promote farming and in turn increase the national output of consumables, while at the same time having access to mineral deposits (mining) and vast forests (sawmills), and protect its national interests in the north. Extra effort was therefore placed into mapping out the territory and the various resources the Sámi would use and also to get an insight and control of their obscure land divisions.<sup>314</sup> With the Swedish expansion into Lapland slowly came the Crown's control of Sámi subsistence practices, such as reindeer herding,

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Sweden since 1900: geographical and historical studies. *The Royal Swedish Academy of Agriculture and Forestry* (2011): 475-476).

<sup>311</sup> Wheelersburg writes, "The Crown's need to feed its field armies during military campaigns in Europe and the Baltic caused the Saami tax base to shift from a harvest in fur and skin to one of consumables, primarily fish and reindeer product ... the Saami expanded reindeer herding from a few draft and decoy animals ... to meat pastoralism by the mid 1600s to meet the new taxation requirements." (Robert P. Wheelersburg, *Northern Peoples*, 156).

<sup>312</sup> Nils Arell, *Kolonisationen i lappmarken: några näringsgeografiska aspekter* (Stockholm: Esselte Studium, 1979), 5.

<sup>313</sup> Nils Arell, *Kolonisationen i lappmarken*, 6.

<sup>314</sup> Nils Arell, *Kolonisationen i lappmarken*, 6.

to fit the needs of the imperial enterprise. According to Nils Arell, Graan's concerns regarding Sámi nomadism were expressed in a Decree dated May 9 1671, which was meant to regulate Sámi migration, especially into Denmark-Norway. According to Arell, though, the Decree was not meant to prevent Sámi nomadism, although such ideas may have been raised at times, but rather to prevent the Swedish tax-Sámi (*skattlappar*) to settle in Norway.<sup>315</sup> The Decree was most probably seen necessary to avoid the loss of taxable subjects.

### *iii) The Colonization Period (1673 – 1749)*

Within the mercantilist economic policies of the eighteenth century Sweden saw Lapland as a means of accumulating wealth through the exploitation of its resources and inhabitants. Beginning with the Settlement Decree of 1673 the Crown set forth a series of reforms (1695 Lapp Tax Reform), decrees (1695 Lappmarks Decree), and regulations (1749 Lappmarks Regulations) aimed at “stimulating the colonization of Lapland.”<sup>316</sup>

Prior to about 1670 the level of Swedish infiltration and colonization of Sápmi was relatively minimal. Here, “assimilated” Sámi were often seen as taxable free peasants where landownership was recognized through the payment of property taxes. This period was also marked by the reign of Karl XI (r. 1660-1697) whose expansionistic endeavors put pressure on resources and consumables. His reign marked the official Settlement Decree (*kolonisationsplakat*) of the northern territories, which came in 1673 allowing

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<sup>315</sup> Nils Arell, *Kolonisationen i lappmarken*, 6.

<sup>316</sup> Nils Arell, *Kolonisationen i lappmarken*, 12, 14.



settlement and farming within a set of specific conditions.<sup>317</sup> Most importantly, the 1673 Decree, renewed in 1695, gave settlers a series of privileges such as fifteen years of tax exemption, and the exemption from military service and conscription *in perpetuum*.<sup>318</sup> The settlement policy was also supported by the local courts, which were prone to defend the rights of settlers rather than the Sámi's.<sup>319</sup> Another step that dramatically shifted the Crown's expansion into Lapland was the 1683 proclamation making every unsettled land the property of the crown.

Unofficial settlement of Sámi lands did occur prior to 1673 though. Non-Sámi settlers oftentimes disregarded existing restrictions and settled in remote areas of Sápmi. Gunnar Hoppe, for instance, found that one of the newer settlements in Lapland was a Finnish village, *Mårdsel*, which had already been settled before 1671.<sup>320</sup> He also adds examples of farmers from the coastal areas that moved into Lapland to benefit from the tax exemption that the Lappmarks-privileges were granting.<sup>321</sup> According to Bylund, the first settlers of Lapland were the Finns: "Finnish colonists ... from Österbotten in Finland ... penetrated as the very first settlers [from] the north as well as from the south into the

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<sup>317</sup> Kaisa Korpjaakko-Labba, *Lappmannarättigheternas*, 30.

<sup>318</sup> Gunnar Hoppe, "Ett blad ur lappmarkernas kolonisationshistoria," *Meddelanden från Uppsala universitets geografiska institution*, Norrbottens Läns Hembygdsförening, Luleå. Series A, No. 49, (1945): 65.

<sup>319</sup> *Det blågula glashuset*, SOU 2005:56, 97-98.

<sup>320</sup> Gunnar Hoppe, "Ett blad ur lappmarkernas," 64-65.

<sup>321</sup> Gunnar Hoppe, "Ett blad ur lappmarkernas," 68.

Swedish Lapponian countries.”<sup>322</sup> In 1683 King Karl XI asserted his right through an Edict on all unclaimed, unsettled, and untilled lands in Lapland would belong to the “Swedish Crown and no one else” (*Alla land som “obygde ligga fierran från Ägoskilnaden och Bygdelagerne, höra öfrigheten och Sveriges Chrono til och ingen annan”*).<sup>323</sup>

Land disputes between Sámi and Swedish settlers were not an exception. The settlers were often “encouraged” and given monetary, land, and tax incentives to move north.<sup>324</sup> Sámi attempts to oppose this encroachment were not successful. In some instances, as in 1687, the Sámi took up the matter during a court hearing where they opposed the redrawing of land borders and they argued that the imposed borders were unknown to them and their forefathers never heard speaking of such border-points and they put forward their understanding of the border line of Sápmi.<sup>325</sup>

Disputes were mostly settled in the courts or through official, or semi-official means, at village meetings, or even by writing directly to the King. This situation shows

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<sup>322</sup> Erik Bylund, “Koloniseringen,” 417.

<sup>323</sup> Bertil Bengtsson, “Samernas rätt och statens rätt,” *Svensk juristtidning* Vol. 1-5/6, No. 79 (1994): 526. See also Gunlög Fur Colonialism In The Margins; p. 20 *f.n.* 3. In Denmark-Norway, a similar stance was taken by the Danish King in 1775 where Pedersen writes: “Finnmark has from ancient times been looked upon as no man's land, and has therefore been regarded as belonging to the King. Through the Royal Decree of 1775, the Crown confirmed its ownership.” (Steinar Pedersen, *State or Saami Ownership of Land in Finnmark? Some remarks on Saami rights and historical evidence* (In Kvist, Roger (Ed.). Readings in Saami History, Culture and Language II. Miscellaneous publications. Center for Arctic Cultural Research, Umeå University, 1991, No. 12), 70).

<sup>324</sup> “The Crown offered prospective settlers freedom from taxes for thirty years, in addition to cows and seed-corn, as incentives to settle in the Lappmarks, but few took the offer.” (Gunlög Fur, *Colonialism in the Margins*, 61).

<sup>325</sup> Kaisa Korpijaakko-Labba, *Lappmannarättigheternas*, 31.

that Swedish experience in Lapland was completely different than that in its North American possessions. Whereas Swedish settlers in the New World were fearful of their lives and had to contend with armed Native American raids and attacks, in Lapland the situation with the Sámi was not so: “Swedish authorities did not try to limit the trade in guns, apparently the Swedes did not fear Saami hostility. Saamis were not an alien group as they had accepted status as royal subjects. There is no evidence that the Saamis ever organized forceful resistance against Swedish encroachment and the Swedes may have believed that they had sufficient military power to control them, encouraged by contemporary accounts that derided the Saamis for being useless as soldiers.”<sup>326</sup>

For Bengtsson the 1683 Edict became the basis upon which the Swedish state has been laying claim on the northern territories. As in the rest of Europe, fiscal reforms reinforced class distinctions and through a system of direct and indirect taxation the upper classes exploited the lower classes. Similarly, these reforms, influenced Sámi property rights, which by the middle of the eighteenth century, they were slowly eroded to a point where with the introduction of the 1886 Grazing Act the Sámi were left with a usufructuary right to their former lands.<sup>327</sup>

Finally, during the colonization period, religion began to have its gravity. The Swedish Church’s orthodoxy was brutal in its fight against foreign doctrines. Those found guilty of religious crimes such as heresy or witchcraft were often executed. For

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<sup>326</sup> Gunlög Fur, *Colonialism in the Margins*, 64-65.

<sup>327</sup> At present, writes Sköld, “By virtue of their longstanding user [*sic*] of northern regions for reindeer husbandry, hunting and fishing, the Sami have acquired a right to this land use through what is termed the *time immemorial principle*. Both this right of reindeer husbandry and protection of Sami culture are inscribed in Swedish constitutional law.” (Peter Sköld, “Development, adjustment,” 475).

instance, being a Catholic meant the death penalty. This turn of events became dire “Especially after the Royal Edict of 1685 [where] conversions were forced upon the pagan inhabitants of the northern wilderness, magic drums were burned and the *seite* overthrown.”<sup>328</sup> In this context, the Swedish Church condemned Sámi religious practices as devil worshipping punishable by death. During the end of the 1600s and the beginning of the 1700s, for instance, there were 49 cases of Sámi brought before the courts on charges of witchcraft and superstition (*trolldom och vidskepelse*).<sup>329</sup> Most were subjected to pecuniary penalties, while others were whipped or sentenced to death; at least one of these death sentences was carried out.<sup>330</sup>

*iv) The Second Wave of Colonization (1749 – 1846)*

By the mid 1700s things began to change. Mercantilism and imperialism were steering nations in new directions. In Sweden a series of reforms intended to further the colonization of the north began a process of transition in the status of the Sámi and a process of delineation of Sámi and non-Sámi lands.

By 1749 the tax-exempt status on reindeer husbandry and the proceeds from that economic activity, enjoyed by the Sámi for centuries, began to shift. New regulations

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<sup>328</sup> Åke Hultkrantz, “Swedish Research on the Religion and Folklore of the Lapps,” *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* Vol. 85, No. 1/2, (1955): 82. The *seite* is the cult of sacred stones. The Royal Edict of 1685 is the famous revocation of the Edict of Nantes of 1598 by France’s Luis XIV (also known as the Edict of Fontainebleau, of 22 October 1685), which began the persecution of Protestants in France.

<sup>329</sup> In Swedish *trolldom och vidskepelse* are best translated as witchcraft, superstition, or magic.

<sup>330</sup> *Det blågula glashuset*, SOU 2005:56, 98.

were introduced intended to promote further settlement of Lapland that promised all new settlers a tax-exemption similar to the one the Sámi were enjoying. Between 1750 and 1820, writes Gertrude Hanes, the promotion of settlement and of the farming industry, coupled with the world economic crisis at the turn of the nineteenth century, shows a decrease in Sámi right and an almost proportional increase in private ownership of non-Sámi and new settlers.<sup>331</sup>

Up to 1750 the Sámi (in Torne and Kemi Lappmarks) were treated at par with tax farmers (*skattebönder*); which, with the Act of Union and Security of 1789 (*Förenings- och säkerhetsakten*), emancipated the peasantry and gave them property rights.<sup>332</sup> Official property records also show instances of Sámi selling Sámi-farmland (*lappskatteländ*) to non-Sámi farmers.<sup>333</sup> By 1751, however, at the same time as the Treaty of Strömstad was being ratified delineating Sweden's official border, the border of the Sámi lands within Sweden was also being redrawn. The purpose, according to Bäärnhielm, was to differentiate between the peasant and Sámi's worlds.<sup>334</sup> For Lennart Lundmark, also

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<sup>331</sup> Gertrude Hanes, *Staten och lappmarken*, 118.

<sup>332</sup> Mauritz Bäärnhielm, "Vem äger Lappland?" *Svensk juristtidning* Vol. 5-10, No. 85 (2000): 969. The right to property introduced by the Act of Union and Security of 1789 (*Förenings- och säkerhetsakten*), Article 3, states: "All orders of the state have the same right to possess and acquire land. The equestrian order and the nobility, nevertheless, are confirmed in their ancient privilege of allodial possession. Peasants shall also have the right to lease crown lands and are guaranteed in their possession." (This English translation was taken from Robert R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800* (Princeton, N.J.: Princeton University Press, 1969), 512).

<sup>333</sup> Mauritz Bäärnhielm, "Vem äger Lappland?", 969.

<sup>334</sup> Mauritz Bäärnhielm, "Vem äger Lappland?", 966.

quoted in Bäärnhielm, the local courts and administrative authorities were to blame for the loss of Sámi lands to the farmers after 1789.<sup>335</sup>

The borders between Denmark-Norway and Sweden in the northern territories was largely unsettled. An agreement was reached at the Peace of Knäred in 1613, yet the actual boundary between the two kingdoms was never drawn before 1751. At the Treaty of Strömstad in 1751 the official national borders were drawn and an addendum to the treaty, the Lapp Codicil, outlined the rights and duties of nomadic Sámi livelihood within and in-between the two countries.

The Codicil, according to Kenneth Awebro, has been interpreted in several ways. It has also been a source of legal controversy for decades, if not centuries. It represents, for some, the *Sámi Magna Carta*, or a charter (*fribrev*) or grant by which the Sámi's rights and privileges are defined in Norway and Sweden, and it has also been seen as an assurance of the conservation of the Sámi nation.<sup>336</sup> It is doubtful, however, that these interpretations bear any legal ground. In its simplest form, instead, the Codicil, writes Fae L. Korsmo, “guaranteed the right of the Saami to cross the border on their seasonal migrations, and each country agreed to refrain from double taxation. The determination

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<sup>335</sup> Lennart Lundmark, *Så länge vi har marker: samerna och staten under sexhundra år* (Rabén Prisma, Stockholm, 1998), 73.

<sup>336</sup> Kenneth Awebro, *Tillkomsten av lappkodicillen av 1751 ur Svensk synvinkel* (In Lasko, Lars-Nila (Ed.) *Lappkodicillen av 1751 - var det samernas Magna Charta? Sámi instituhtta, Guovdageaidnu/Kautokeino. Deidut No. 1, 1989*), 80-81.

of the northern border enabled the states to proceed with resource extraction and colonization.”<sup>337</sup>

Calling the Lapp Codicil a *Magna Carta* is, thus, incorrect. For one thing a *Carta*, or charter, is a contractual obligation between two parties where rights and privileges are outlined. The Sámi were not a contracting party to the addendum. It is therefore plausible to agree with the stand taken by the Norwegian government in 1997 with regards to the Lapp Codicil. According to the Official Report, the Codicil needs to be understood as an integral part of a treaty signed between two sovereign states, Sweden-Finland and Denmark-Norway, and not between the state and the Sámi. Hence, it cannot be taken as awarding any rights but simply as protecting an existing *status quo*. In addition, the notion that the Codicil is often referred to as the *Sámi Magna Carta*, should not be taken as proof of the existence of an official royal decree bestowing upon, or recognizing, any territorial or other similar rights to the Sámi. As found in the Official Report, the notion of a *Sámi Magna Carta* should be taken as a purely symbolic parlance (*rent symbolsk språkbruk*).<sup>338</sup>

In other words, what the Codicil does is to simply codify an already existing usufructuary right, while prescribing this right from “time immemorial.”<sup>339</sup> Korpijaakko-

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<sup>337</sup> Fae L. Korsmo, “Nordic Security and the Saami Minority: Territorial Rights in Northern Fennoscandia,” *Human Rights Quarterly* Vol. 10, No. (1988): 512.

<sup>338</sup> *Urfolks landrettigheter etter folkerett og utenlandsk rett – bakgrunnsmateriale for Samerettsutvalget. Avgitt til Justis- og politidepartementet.* Norges Offentlige Utredninger, NOU 1997:5, January 1997, 100.

<sup>339</sup> Lars-Nila Lasko, *1751 års lappkodicill och nyttjanderätt.* (In Lasko, Lars-Nila (Ed.) *Lappkodicillen av 1751 - var det samernas Magna charta? Sámi instituhtta, Guovdageaidnu/Kautokeino.* Deidut No. 1, 1989), 290.

Labba, quoted in Roger Kvist, doubts the validity of these claims too because the Codicil, she writes, hinders rather than promote Sámi rights.<sup>340</sup> From the language and purpose of the Codicil, it was meant to regulate the Sámi and to bring them further under the control of the state. The Codicil, in James C. Scott's words, was intended to "making the landscape legible for the state," in this case was meant to make the Sámi more legible and malleable to the state project.

The legal implications of the Codicil go beyond the rights and duties of the Sámi. Nomadic Sámi owned taxable land in both Norway and in Sweden (for winter and summer grazing). The Swedish delegation during the Treaty negotiations was concerned that if the choice of belonging to either country was left to the Sámi (as the Danish suggested), then some would take advantage of the situation and most importantly the King's revenue in the form of taxes would decrease. Swedish effort thus concentrated on hindering the free movement of nomadic Sámi across the border; according to Awebro, this effort is evident in paragraphs 4 and 5 of the Codicil. Although these two paragraphs assume that the Sámi have the right to choose to which side they want to belong, the right was only superficial because the language was so formulated that precluded a real choice; "Klinekowströms, the [Swedish] border commissioner, knew that all affected Sámi had winter grazing lands in Sweden and as such they would make them automatically Swedish citizens."<sup>341</sup>

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<sup>340</sup> Roger Kvist, "Lappkodicillen av 1751," *Historisk tidskrift* No. 107 (1987): 156.

<sup>341</sup> Kenneth Awebro, *Tillkomsten av lappkodicillen*, 84-85.



The language, which dealt with ownership and usufructuary rights was also much contested. Several attempts were made by the contracting parties that words such as “own,” “have,” “private property,” or “private owner,” would not be used in the Codicil because of fears of indirectly recognizing Sámi land rights in the northern territories. In their stead, words that would induce a sense of usufructuary right should be used, such as “possess the right to” or “have the right to” (“*possidera*” eller “*innehava*”). Awebro adds, such changes to the language of the Codicil never took place and, as such, many see the present language as indicating such property rights.<sup>342</sup> On the other hand, what the Codicil guarantees and afford the Sámi is nothing more than a usufructuary right to the land for the movement of the reindeer herds, for hunting, and fishing as long as this right does not violate someone else’s protected rights.<sup>343</sup>

The coming to the throne of Gustav III in 1771 (r. 1771-1792) marked the end of Sweden’s so called “Age of Liberty” (*slutet av frihetstiden*). In 1772 Gustav III assumed autocratic powers in a coup (mainly against the aristocracy) and with his enlightened despotism the realm was transformed. Later in 1789 Union and Security Act (*Förenings- och säkerhetsakten*) was appended to the 1772 Constitution further extending his powers. At his death in 1792, Sweden maintained royal autocracy through the king regency of Duke Karl until Gustav III’s son, Gustav IV Adolf (r. 1792 (1796)-1809), assumed the throne in 1796. Gustav IV Adolf continued his father’s autocracy, which in the wake of the American and French revolutions, created more and more antagonism in Sweden. The

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<sup>342</sup> Kenneth Awebro, *Tillkomsten av lappkodicillen*, 86.

<sup>343</sup> Lars-Nila Lasko, *1751 års lappkodicill*, 286.

Finnish War of 1808-1809 marked the beginning of the end of Gustav IV Adolf's reign. His refusal to accept the Continental System (the blockade against Great Britain enforced by Napoleon I during the Napoleonic Wars) brought him closer to Great Britain and further away from Russia and Denmark-Norway. With the Russian ultimatum ignored in February 1808 Russian forces crossed into Finland and in months the bulk of the Swedish army was either defeated or capitulated. Within a year of the war Sweden lost Finland, but Emperor Alexander I did not stop at Finland and pushed for an invasion of Sweden proper. In March 1809, a Russian contingent was less than one hundred miles from Stockholm, having crossed into Sweden proper from Åland islands (about 139.82 km, or 86.88 miles, equal to 75.45 nautical miles from Stockholm). Accused of gross mismanagement of the war, which led to the loss of Finland, and possibly the realm, the king was arrested in a military coup and deposed. The former regent, Duke Karl, was proclaimed King Karl XIII.

From March through September 1809, the new king attempted to keep the realm from falling, and with the assistance of the British Navy, Sweden managed to repel the Russian Army and to avoid further losses. The conflict came to an end in September of 1809 at the Treaty of Fredrikshamn. The treaty stipulated Sweden's ceding of Finland, and part of Lapland.

A new border between Sweden, Norway, and Russia was redrawn to accommodate the loss of Finland and this new geopolitical landscape entailed the beginning of the forced relocations of Swedish Sámi from border areas to more southern areas. In Norway too the living condition of the Norwegian, and Swedish, Sámi began to change. In 1814 Denmark lost Norway following its defeat in the Napoleonic Wars and

Norway joined a union with Sweden, the United Kingdoms of Sweden and Norway 1814-1905 (*Förenade konungarikena Sverige och Norge - De forenede Kongeriger Norge og Sverige*). At this point, the Sámi in the northern territories were seen as a security risk and a series of attempts to “Norwegianize” the Sámi populations and to push for Norwegian settlers to colonize the north of Norway meant the loss of rights and the dislocation of many Norwegian Sámi too.<sup>344</sup> According to Henry Minde, in Norway, we find a process of *fornorsking*, or norwegianization, which stretched from about 1850 to the 1980s; the establishment in 1851 of the *Finnfondet* (the Lapp fund) “was a special item in the national budget established ... to bring about a change of the [Sámi] language and culture.”<sup>345</sup>

While the Codicil formalized the Sámi’s traditional migratory reindeer herding across the newly drawn border of 1751, it was short lived and by the 1800s national economic interests forced the Sámi property rights to the margins and were replaced by an increased amount of settlers and Sámi exclusions to land ownership. What further affected the Sámi in the northern territories was that Russia, and now Finland, were not signatories to the Lapp Codicil of 1751 and as such neither had any obligations toward respecting the usufructuary rights set forth in the Codicil.<sup>346</sup> The 1809 Treaty of

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<sup>344</sup> Gertrude Hanes, *Staten och lappmarken*, 119.

<sup>345</sup> Henry Minde, “Assimilation of the Sami – Implementation and Consequences,” *Acta Borealia* Vol. 20, No. 20 (2003): 122.

<sup>346</sup> Lantto also mentions that the historian Steinar Pedersen has demonstrated that Russia *de facto* recognized the Codicil during the first decade after 1809. (Patrik Lantto, *Gränstängningar, tvångsförflyttningar och samisk politisk mobilisering* (In Elenius, Lars, Patrik Lantto, and Matti Enbuske (Ed.). *Fredens konsekvenser: samhällsförändringar i norr efter 1809*. Luleå tekniska universitet, 2009), 145).

Fredrikshamn, according to Patrik Lantto, affected the Sámi across the entire Sápmi;<sup>347</sup> namely the deterioration of their rights, the fragmentation of their identity, and consequently the political mobilization of the Sámi at the turn of the twentieth century.

Political and territorial displacement becomes a reality by the late 1820s. Roger Kvist, in fact writes, that “In 1827 the Saami right to inherit land was rejected in Norrbotten as Saami land rights now were only regarded as a right of usufruct. In 1828, provincial authorities even stated that they thought themselves empowered to remove a tax-paying Saami from his land, if he lost his reindeer herd.”<sup>348</sup>

*v) The Displacement and Assimilation Period (1846 – 1930)*

In 1852 the border between Finland-Russia and Norway was closed and the Sámi in the area were not allowed to cross during the grazing season. The situation between Sweden and Finland was somewhat different as the border was relatively uncontrolled. Soon, however, the situation between Sweden and Russia soured and in 1889 the border was officially closed. At this point the Swedish Sámi were prevented to move their herds across the national borders.

Relations between Norway and Sweden increasingly became more complex. First, the Lapp Codicil of 1751, signed between Denmark-Norway and Sweden, was still in effect. Second, the two countries entered into a union in 1814. Norway, however, expressed concerns with regard to the uncontrolled movement of Sámi across the national

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<sup>347</sup> Patrik Lantto, *Gränstängningar, tvångsförflyttningar*, 145.

<sup>348</sup> Roger Kvist, “The Racist Legacy,” 207.

border and as such pushed for further control, which in 1883 meant new restrictions were imposed on the Sámi and their usufructuary rights of grazing lands.<sup>349</sup>

The 1883 agreement did not seem to be enough and Norway voiced further concerns and demanded more restrictions. This turn of events, coupled with an increase in tensions between Sámi and farmer-settlers on the Norwegian side, pushed the governments of the two crowns to act. By the time the Union was dissolved in 1905 Norway was ready to abrogate the Codicil and the issues of Sámi nomadic practices created serious friction between the two nations. This situation was eventually resolved at the 1919 Reindeer Grazing Convention.<sup>350</sup> The Convention also entailed more stringent restrictions, such as loss of pastureland as some areas were being closed off, and a limit on the number of allowed heads of reindeer was also imposed.

The period of the 1880s saw an increase in tensions between farmers and Sámi in Sweden's north most counties of Jämtland, Västerbotten, and Norrbotten. The difficulties experienced by the Sámi in these counties, writes Lantto, differed based on where the Sámi resided. For instance, in Jämtland and Västerbotten the issues were mostly domestic, dealing with farmer-Sámi relations and rights to land and water use and about hunting and fishing rights. While in Norrbotten, the northernmost county bordering Norway and Finland, the issues dealt mostly with cross border relations and pasturelands in Norway and Finland. The situation was apparently direr in Jämtland, especially around the municipality of Härjedalen, the southernmost county with a relatively large Sámi

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<sup>349</sup> Patrik Lantto, *Gränstängningar, tvångsförflyttningar*, 146.

<sup>350</sup> Patrik Lantto, *Gränstängningar, tvångsförflyttningar*, 147.

population. Here the Sámi had weaker rights and a clearly delineated cultivation line between land interests was missing, as such farmers were seen as intruding onto grazing grounds. These conflicts began to ebb by the end of the 1880s and the introduction of the Reindeer Grazing Act of 1886 (*SFS 1886-38*) saw the protection of grazing rights also on private property. But the Act failed to take into consideration those settled Sámi, especially in Västerbotten, whom they saw it as disparaging.<sup>351</sup> The overall effect of the Grazing Act began a process, continued by subsequent acts, meant to re-map what was to constitute the Sámi identity and their status in Swedish society.

The legislations introduced by the state to define, regulate, and rearrange Sámi lives and identity are pivotal here. There are four identifiable statutes that concretely change the status of the Sámi with regards to the state and to Swedish society in general: The Reindeer Grazing Act of 1886 (*SFS 1886-38 Lag angående de svenska lapparnes rätt till renbete i Sverige*); The Reindeer Grazing Act of 1898 (*SFS 1898-66 Lag om de svenska lapparnes rätt till renbete i Sverige*); The Reindeer Grazing Act of 1928 (*SFS 1928-309 Lag om de svenska lapparnes rätt till renbete i Sverige*); and the Reindeer Husbandry Act of 1971 (*SFS 1971-437 Rennäringslag*).

The 1886 Act, according to Mathias Åhrén, “abolished the Taxed Lapp Land system, and declared the Saami people’s traditional land the property of the Crown. No explanation was offered as to how the Saami people had lost their rights, other than that a

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<sup>351</sup> Patrik Lantto, *Gränstängningar, tvångsförflyttningar*, 147.

people belonging to an inferior nomadic culture cannot acquire title to land.”<sup>352</sup> According to Lars-Anders Baer, the Act reflected Sweden’s new attitudes toward the Sámi’s hunting, fishing, and usufructuary rights. With the Act the administration of these rights were transferred from the Sámi to governmental authorities. The state’s argument followed the existing “cultural hierarchy theories” of that time which assumed the Sámi to be incapable of administering their own land. A similar argument justified the confiscation of Sámi lands because the Sámi belonged to an “inferior culture, incapable of knowing its own good, which could not be allowed to stand in the way of the development of the superior Swedish society.”<sup>353</sup> The Act also introduced a new non-Sámi administrative system of Sámi land and all natural resources found therein; the Lappfogde, or Sami-Bailiff: “a local Swedish administrative officer that was supposed to ‘represent’ the Saami population before administrative authorities, officially seeing to their economical [*sic*] and social interests. Thus, the Saami people were basically placed under custody, and lost the ability to represent themselves in issues relating to their traditional land, waters, and natural resources.”<sup>354</sup>

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<sup>352</sup> Mathias Åhrén, “Indigenous Peoples’ Culture, Customs, And Traditions And Customary Law – The Saami People’s Perspective,” *Arizona Journal of International and Comparative Law* Vol. 21, No. 1, (2004): 89.

<sup>353</sup> Lars-Anders Baer, “The rights of indigenous peoples – A brief introduction in the context of the Sámi,” *International Journal on Minority and Group Rights* Vol. 12, No. 2 (2005): 263-265.

<sup>354</sup> Mathias Åhrén, “Indigenous Peoples’ Culture,” 90.

The 1898 Act introduced new requirements in which every Sámi village would adopt a village charter, or community rules (*byordning*).<sup>355</sup> These rules were to outline the rights and duties of herders (such as the distribution of summer pastures, the required number herders, and the moving of the herd to different pastures), and were meant to mitigate the tension between settlers and Sámi herders. But the law was also meant to control the Sámi land uses, especially with regard to farm land and other privately owned land. Misappropriation of resources or of land use outside the legally allowed months would entail a fine between 25 and 200 Kronor.<sup>356</sup> In addition, the free movement of herders from one village to another was now regulated and permission from the local administrator had to be sought and approved before a herder could relocate with the herd.<sup>357</sup>

The 1928 Act introduced important changes. First, it narrowly defined what constituted an “authentic” reindeer herding Sámi. Second, individual Sámi could not choose the category of belonging. Lastly, because of these restrictions, all those Sámi that

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<sup>355</sup> *The Reindeer Grazing Act of 1898 (Lag om de svenska lapparnes rätt till renbete i Sverige)*. Svensk författningssamling, SFS 1898-66, Article 9 §1.

<sup>356</sup> *The Reindeer Grazing Act of 1898*, SFS 1898-66, Article 2 §1.

<sup>357</sup> *The Reindeer Grazing Act of 1898*, SFS 1898-66, Article 7 §1. Lantto and Mörkenstam add that the 1889 Act was amended in 1917 and this meant that the “relation between Samihood and a nomadic way of life was institutionalized through legislation in 1917 as a limitation of the right for a Sami to own reindeer in another person’s keep. ‘A Lapp’, according to the amendment to the *Reindeer Grazing Act of 1898*, was understood to be someone, ‘whose father to some extent is of Lappish origin’, but only if his father’s or grandfather’s permanent occupation was reindeer herding without ‘cultivation of a homestead or settlement’ ... The definition of Samihood that was introduced in reality meant a ban against living in permanent houses (for the ‘real Sami’), and as a consequence a ban against combining agriculture and reindeer herding.” (Patrik Lantto, and Ulf Mörkenstam, “Sami Rights and Sami Challenges: the Modernization Process and the Swedish Sami Movement, 1886-2006,” *Scandinavian Journal of History* Vol. 33, No. 1 (2008): 30-31).



fell outside the state's definition of "Authentic Sámi" were forbidden to practice reindeer husbandry.<sup>358</sup>

The 1928 Act, as mentioned above, introduces a blood quantum that determined the "inheritance" of the legal ethnic belonging, and with it, the right to reindeer husbandry. For instance, Article 1 §1, states that "the right to reindeer herding belongs to he whose father or mother, or one of the parents, performed reindeer herding as permanent occupation."<sup>359</sup> The second paragraph of the same article states "the right to reindeer herding belongs to a woman who is married or has been married to a man whom retains such right. This being said, if the woman goes into marriage with a man whom misses such right, the woman shall forfeit the right to reindeer herding."<sup>360</sup> The 1928 Act also regulated the size of the herd in a Sámi village: Article 39 states that if "the number of reindeer exceeds a manageable number or the number can create hardship on resources the local administrator can, following a consultation with the Sámi, take measures to reduce the number of reindeers."<sup>361</sup>

Finally, the 1971 Act represented a new and "modernized" version of the grazing act. It was relabeled the Reindeer Husbandry Act (*Rennäringslagen*) and it replaced the Grazing Act altogether. The 1971 Act introduced a language at par with the time. Provisions dealing with adopted children (Article 1 §2) and divorce (Article 2 §2) were

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<sup>358</sup> Andrea Amft, "Att skapa en 'autentisk' minoritet," 596, 600.

<sup>359</sup> *The Reindeer Grazing Act of 1928 (Lag om de svenska lapparnes rätt till renbete i Sverige)*. Svensk författningssamling, SFS 1928:309, Article 1 §1.

<sup>360</sup> *The Reindeer Grazing Act of 1928*, SFS 1928:309, Article 1 §2.

<sup>361</sup> *The Reindeer Grazing Act of 1928*, SFS 1928:309, Article 39 §1.

included. Reindeer husbandry was also further regulated with stipulations about seasonal pastureland and the like. In addition, the new law abolished the *Lappfogde* system introduced in 1886. The right to pursue reindeer husbandry still presupposes membership in a *sameby* (or Sámi village): “the term ‘*sameby*,’ substituting for the term ‘*lappby*,’ which at that time, had a derogatory undertone. However, the *sameby* system basically equals the *lappby* system.”<sup>362</sup> The Act thus retained the power to determine who was an “Authentic Sámi,” and who could practice reindeer husbandry, and consequently excluded all those whom according to the state’s categorizations were no longer Sámi.

The 1800s, especially the second half of the nineteenth century, also brought race, education, assimilation, and political rights to the fore. In England the question of race as an indicator of superiority or inferiority led the way for the sort of biological racism that was to dominate society, politics, colonial policies, and the academia from the 1870s onward. Sweden, the United States, but also Belgium, Germany, and several other nations found in race biology, and later in eugenics, a scientific justification for their policies of segregation, sterilization, extermination, or exclusion. Social Darwinism began to creep into Swedish academia and the scientific community too. By the 1920s Sweden became a center for race biology and eugenics. In 1921 the Diet passed a bill for the establishment of the first official institution, *The State Institute for Race Biology* (*Statens institut för rasbiologi*), with its seat at the Dekanhuset at Uppsala University.

The segregationist and assimilationist policies laid out in the Reindeer Grazing Acts of 1886, 1889, and 1924 found their beginning in committee investigations of 1883

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<sup>362</sup> Mathias Åhrén, “Indigenous Peoples’ Culture,” 90 (f.n. 182), 94, 94 (f.n. 207).

where the Social Darwinist doctrines of the time helped formulate a segregationist discourse where the Sámi were objectified into subordinated concepts represented by attitudes and language: “A Lapp Shall Always be a Lapp;” the Sámi are “either on their way to extinction or to be assimilated into the civilized society;”<sup>363</sup> or where nomadic Sámi were tolerated, while those who settled “must die out or be assimilated.”<sup>364</sup>

As it was the case in Norway, and in the United States, education was seen as the main engine through which the Swedish assimilation policies of the Sámi population were to be put into motion. A specific Sámi Education System was established creating the apparatus in which this re-education could take place. At the beginning of the 1800s there were several established Lap-schools (*lappskolor*) in various geographic locations in Sweden, such as in Karesuando, Jukkasjärvi, Gällivare, Jokkmokk, Arjeplog, Lycksele and Föllinge. At this point the language of instruction was Sámi, Finnish, or Swedish depending on the linguistic composition of the area. The Swedish parliament by 1877, however, passed a bill making Swedish the mandatory instructional language if the child understood Swedish. At the same time the catechetical teaching first introduced in the 1700s was revitalized (i.e., *kateketundervisning*, where nomadic Sámi were assigned a traveling teacher whose job was to educate Sámi children). In 1895 and 1896 more

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<sup>363</sup> Rolf Sjölin, *Samer och samefrågor i svensk politik en studie i ickemakt* (In Lantto, Patrik and Peter Sköld (Ed.). *Befolkning och bosättning i norr: etnicitet, identitet och gränser i historiens sken*. Skirfter från Centrum för samisk forskning, 2004), 241. Sjölin adds, “Herman Lundborg, one of the founder of the Institute for Race Biology, wrote in a book titled “*Rasbiologi och rashygien*” (1914; *Race biology and Eugenics*) ... A mix between Swedes and Finns and Lapps, whom belong to the Mongoloid race, is inadvisable.” (Ibid., 242).

<sup>364</sup> Roger Kvist, “Assimilation eller segregation? Nordamerikansk indianpolitik och svensk samepolitik 1880-1920,” *Festskrift til Ørnulv Vorren* No. 24 (1994): 306.

reforms were introduced to increase the “Swedification” (*försvenskning*) of the Sámi. It was not, however, until the 1900s that Sámi education was standardized towards five possible educational avenues in the form of either specialized schools or local and church schools.

The 1913 school reform established the so-called nomad-schools (*nomadskolor*). These schools were obligatory for the children of reindeer-herding Sámi and were meant to solve the problem of education for those children whose parents led a nomadic life. The 1913 reforms also meant, however, a further differentiation between nomadic and settled Sámi. The former’s curriculum was diluted to reflect the perceived low ambition of nomadic Sámi, and these schools were meant to instill more practical skills within the herding industry; similar trends existed in Indian American boarding schools and the like. The latter were to be sent to local public schools. The point with this division was two-fold. On the one hand, the “Authentic Sámi” was to be segregated and re-educated within a nomadic lifestyle. On the other hand, the “non-authentic” Sámi were to be assimilated into mainstream Swedish society.<sup>365</sup> By the 1940s school regulations called for the establishment of boarding schools *skolhus* or *elevhem*. The latter were believed to be necessary because it was thought that Sámi parents were detrimental in the upbringing of their children.<sup>366</sup>

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<sup>365</sup> Andrea Amft, “Att skapa en ‘autentisk’ minoritet,” 598.

<sup>366</sup> Sámi Education Board (a government administrative authority for the Swedish Sámi schools), “Skolhistoria,” <http://www.sameskolstyrelsen.se/sv/authority/skolhistoria> (accessed July 7, 2014), and from Sámi Information Centre, “Utbildning för samiska barn,” <http://www.samer.se/1261> (accessed July 7, 2014).

In general the nomad-schools diluted Sámi identity by forcing children to learn the “proper language;” that is, Swedish. In these schools the Sámi language was discouraged and instead their new language was to be Swedish. Many former alumni, interviewed in the late 1990s, complained of the “forced” loss of their language and consequently of their Sámi identity.<sup>367</sup> Although the *nomadskolor* were eventually replaced in 1981 with the Sámi-schools (*sameskolor*) and their mandate drastically changed, from hindrance to promotion of Sámi language and culture, many people of older generations have difficulties to talk about their experiences in these schools.<sup>368</sup>

The 1800s also brought major changes to the means of production, the economy, and society. Together with the Industrial Revolution, and modernity, came the modernization of the country. Industrialization brought the industrial society with its less communalistic character and more individualistic needs. The courts, writes Aalto et al., played an important role in the modernization and domestication of social norms: “gradually [the court] turned into an earthly sphere, into a social arena where the power of definition has been secularized, institutionalized, and taken over by the state.”<sup>369</sup> Phebe

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<sup>367</sup> Degrading accounts of the Sámi schools are many. As in this case, found in Wikström, “My grandmother was hit when she spoke Sámi at school. She never taught her child Sámi, and this is the reason why I am without my native Sámi and as a consequence I was robbed of 99 percent of my Sámi identity. I am only 37 years old, but have awful memories of my childhood. I was really bullied in elementary and middle school in the south of Sweden, where we lived then – ‘lapp bastard (*lappdjävel*) and wog (*svartskalle*) go home and chew on reindeer balls’ (*renpung*) etc. Now, I’m without language, without reindeer and without land.” (Lester Wikström, “Allt fler samer känner sig diskriminerade,” *Hela jorden* No. 1 (1999): 14).

<sup>368</sup> *Att återta mitt språk - åtgärder för att stärka det samiska språket (Utredning av finska och sydsamiska språken)*. Statens offentliga utredningar, SOU 2006:19, February 2006, 74-76, 552.

<sup>369</sup> Seppo Aalto, Johansson Kenneth, and Sandmo Erung, *Conflicts and Court Encounters*, 229, 231.

Fjellström writes that local norms were circumvented by new urban and centralized judicial norms, which by the early 1900s greatly affected the Sámi judicial system.<sup>370</sup>

Modernity also affected the political system, which gradually became incompatible with traditional socio-political systems. Rolf Sjölin, argues that the modern political system was built on the idea that people did not live at great distances from each other. A nomadic population living in sparsely populated rural areas was difficult to tie it to the system.<sup>371</sup> Things were further complicated when with the modernization of the country the peasants were given property rights. In the 1860s a reformed local government introduced voting rights based on taxes or land ownership. The problem that arose was that based on existing regulations Lapland was exempt from taxation and as such the Sámi were excluded from participating in the wider electoral process.<sup>372</sup>

Gertrude Hanes gives an insightful look into Sámi voting rights and their evolution. From the mid eighteenth century onward we find that the amount of tax paid by the Sámi (*Lappskatten*) was as low as the new settlers farmers, whom first enjoyed a tax exemption and later paid a relatively low tax; both meant as an encouragement to settlement. Low taxation, however, denied both groups the right to vote for the Diet's Second Chamber (*Andra Kammaren*).<sup>373</sup> In 1850 the Diet redrew the map of the Crown's

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<sup>370</sup> Phebe Fjellström, "Jurisdiktion och gränsdragning," 65.

<sup>371</sup> Rolf Sjölin, *Samer och samefrågor*, 239-240.

<sup>372</sup> Rolf Sjölin, *Samer och samefrågor*, 238-239.

<sup>373</sup> "In 1865, the Parliament of the four Estates was abolished and replaced by a bicameral (two-chamber) system. The members of the First Chamber were elected indirectly by the county councils and the municipal assemblies in the larger towns and cities. It was considered to represent "education and wealth". Only men were eligible for election on the basis of certain criteria relating to age, income and wealth.

lands with new enclosure decrees (*avvittringsstadga*) where the most sparsely populated areas were allotted to the Crown. The new appropriation meant that previously unclaimed lands or lands with spars settlements were now off limits. Those who had an exclusive usufructuary right were allowed to continue within the new enclosures for the remainder of their lifetime. After the summer of 1862, however, no new queries or disputes over Lapland were being accepted;<sup>374</sup> meaning the right could not be transferred through inheritance and new ownership claims were not considered.

Those tax exemptions, or privileges, only applied to the national taxes (*statliga skatten*). Municipal and ecclesiastical taxes did not enjoy any exemption. With this in mind, the gradual implementation of the municipal suffrage was hard to be achieved in Lapland. This was because so many homesteads were not being municipally taxed. The northern region still enjoyed the so called Lappmarks-privileges (*lappmarksprivilegierna*) exempting it from the national taxation.<sup>375</sup> Because of this exemption, local governments

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Elections to the Second Chamber were only open to men, and in order to vote it was necessary to meet certain economic criteria such as ownership of real estate or payment of tax on an annual taxable income.” Sveriges Riksdag, “The History of the Riksdag,” <http://www.riksdagen.se/en/How-the-Riksdag-works/Democracy/The-history-of-the-Riksdag/> (accessed July 30, 2014).

<sup>374</sup> Gertrude Hanes, *Staten och lappmarken*, 121.

<sup>375</sup> Amft writes about the lap-privileges arguing that “these privileges developed a livelihood but also a way of life, which through legislation has reserved exclusively one ethnic group – the Sámi. The inclusion and exclusion from these privileges occurred along ethnic lines, where the Reindeer Grazing Act has had a dividing effect.” (Andrea Amft, “Att skapa en ‘autentisk’ minoritet,” 590).

TABLE 2: SWEDISH SÁMI POLICY IN PERSPECTIVE

Infiltration Period (1328 – 1635)	Exploitation Period (1635 – 1673)	Colonization Period (1673 – 1749)	Second Wave of Colonization (1749 – 1846)	Displacement and Assimilation (1848 – 1930)
<p>1328 – Royal decree extends jurisdiction over northern territories. 1340 – Lapland is officially annexed to Sweden. Middle Ages – Sámi are brought into Swedish-Hanseatic trade network to benefit Sweden. 1526 – First attempts at Christianize Lapland under Gustav I Vasa. 1548 – Gustav I Vasa places the Sámi under direct royal control. 1551 – Gustav I Vasa considers the Sámi as belonging to the Crown. 1559 – Sámi Lutheran priests first attempt to Christianize the Sámi. 1607 Karl IX decrees the Sámi to pay taxes in reindeer meat and dry fish to support war effort. Karl IX adds to his title “King of the Lapps.” 1608 – Karl IX introduces Mosaic law, replacing Sámi legal traditions. 1634 – Silver ore found in <i>Nasafjäll</i> opens mine in 1635 affecting Sámi livelihood.</p>	<p>1635 onward – The search for natural riches pushes further colonization of the northern territories. 1640s – a system consisting of bailiff, judge, and pastor, labeled the triumvirate, places further control on Sámi. 1670 – Active policy of colonization is introduced. 1671 – Royal Decree regulates/restricts Sámi nomadism, preventing uncontrolled settling in Norway. 1673 – Settlement Decree marking the beginning of Swedish colonization of Lapland.</p>	<p>1683 – King Karl XI asserts his right through an Edict on all unclaimed, unsettled, and untilled lands in Lapland are to belong to the “Swedish Crown and no one else.” 1685 – Royal Edict forces conversions of the pagan inhabitants of the northern territories. 1695 – Lapptax reforms and Lappmarks decree to stimulate further colonization of Lapland. 1749 – Lappmarks regulations begin to change the tax-exempt status of the Sámi.</p>	<p>1751 – Treaty of Strömstad delineates Sweden’s official border. This treaty also redraws the border of the Sámi lands in Sweden. Treaty adds Lapp Codicil regulating Sámi nomadism and usufructuary rights in both Sweden and Denmark-Norway. 1789 – Act of Union and Security (<i>Förenings- och säkerhetsakten</i>) allows for what can be interpreted as Sámi property rights. 1809 – Treaty of Fredrikshamn cedes Finland and part of Lapland to Russia marking the beginning of deterioration of Sámi grazing, and land rights. 1814 – Creation of the United Kingdoms of Sweden and Norway changes slowly changes status of Sámi in the border regions. 1827-1828 – Political and territorial displacement becomes more evident in Sweden.</p>	<p>1852 - 1889 – Border disputes between Russia, Norway, and Sweden curbs Sámi usufructuary rights and starts a policy of relocation. 1877 – Parliament imposes Swedish language on Sámi. 1860s –Tax reforms curbs Sámi voting rights. 1886 – Reindeer Grazing Act redefines and controls Sámi’s rights. 1898 – Reindeer Grazing Act introduces Sámi village charter imposing new restrictions on Sámi. 1913 – Opening of nomad-schools make schooling of reindeer-herding children obligatory. 1919 – Reindeer Convention between Norway and Sweden places new restrictions on Sámi. 1921 onward – Race-Biology influences Sámi policy. 1928 – Reindeer Grazing Act restricts definition of reindeer Sámi and limits adherence to this category.</p>



were unable to calculate the municipal taxes, which were in turn based on the *fyrktal*, a tax formula.<sup>376</sup> The fact that in several municipalities the Sámi were not being taxed prevented them to be part of the electoral process. To solve this conundrum several municipalities found ways to tax the homesteads. When the King in 1873, however, wanted to introduce a national income tax in Lapland to allow every eligible inhabitant to vote, many resisted. In 1874 the government began rectify the problem, yet the taxation system of pastoral Sámi did not change and as such the exclusion persisted.<sup>377</sup>

Resistance was not, according to Hanes, only a financial matter. Allowing the income tax to be implemented meant the loss of the Lappmarks-privileges, which entailed the exemption from military service and conscription.<sup>378</sup> Yet, that same year the Diet passed a bill introducing individual income taxes in Lapland, but the income from reindeer husbandry was excluded. The exemption of income earned from the reindeer husbandry, add Hanes, can be understood as a privilege, but it came at a price; the exclusion of pastoral Sámi from both the municipal and the national electoral process.<sup>379</sup> Hanes makes a valuable contribution here by outlining the real consequences for the Sámi as a whole: *“The main argument to set them apart was the lack of a fixed or permanent habitation, which made them unfit to participate in political process. The Sámi that settled and took up farming were taxed like the rest of the population and*

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<sup>376</sup> Gertrude Hanes, *Staten och lappmarken*, 121.

<sup>377</sup> Rolf Sjölin, *Samer och samefrågor*, 239-240.

<sup>378</sup> Gertrude Hanes, *Staten och lappmarken*, 121.

<sup>379</sup> Gertrude Hanes, *Staten och lappmarken*, 121-122.

*received through this the same municipal and national voting rights. However, they were no longer regarded as Sámi but they formed part of the general population.”*<sup>380</sup>

### *The Authentic Sámi*

Andrea Amft’s analysis of these laws, beginning with the 1886 Act, show the initiation of a process of differentiation among the Sámi population fracturing Sámi identity and sense of belongingness and in the process creating, what Amft calls, an “Authentic Sámi minority;” namely:

Soon enough the Sámi population was divided into categories with different rights. The dominating Swedish society, because of its position of power, has had the possibility to dictate the terms with which to define Sámi existence, it has affected the Sámi’s livelihood, and has defined the condition of group belongingness. The state has also had the power to formulate the structural conditions, based on its own stereotype, of what constitutes an “authentic” Sámi and how this Sámi should live. These stereotypes consequently constituted a Sámi ideal-type and the Sámi society, which did not reflect reality. With these ideal-type images as a mold the state’s conditions were dictated on what constituted “authentic” Sámi and which education was suitable for them.<sup>381</sup>

The legal “authentication” of the true Sámi also meant that mixed practices such as farming and herding were discouraged in Sweden. Most probably in the economy of the time intra-industry competition was an issue because of limited natural and labour resources. The domestic market could not afford Sámi to engage in farming or “non-authentic” Sámi to engage in herding, as that would have upset the balance of “Swedish corporatism.” On the other hand, the official justification drifted toward a perhaps fictitious reasoning where the practice needed to be discouraged to protect the Sámi from

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<sup>380</sup> My italics. Gertrude Hanes, *Staten och lappmarken*, 122.

<sup>381</sup> Andrea Amft, “Att skapa en ‘autentisk’ minoritet,” 598.

themselves: “a way of life approaching that of the settlers was considered to have a strong negative impact both on the herding itself and the herding methods.”<sup>382</sup>

Similarly, the system of Sámi rights established by the Lapp-privileges also created a system of exclusion, argue Patrik Lantto and Ulf Mörkenstam, whereby “Sami that did not live up to the shared standards, or shared a specific way of life, were from a legal perspective legitimately excluded from the system of rights. And those included ran a continuous risk of being excluded if they diverted from the homogeneous Sami identity that prescribed what it was to be a Sami.”<sup>383</sup> Erik Hedbäck writes that the practical application of these laws were such that “The right of reindeer-herding entitles the Lapp to free use of the land and water resources for himself and his reindeer according to the old customs and manner of livelihood. Should he take up another occupation, the Lapp forfeits his right not only to the use of natural resources, but also his trapping, shooting and fishing rights.”<sup>384</sup> In other words, being a Sámi meant falling within and walking a fine state-constructed line.

Only those Sámi defined by the state as “authentic” or “living up to the shared standards” were considered part of the Sámi minority, and their rights were recognised based on ancient tradition and time immemorial. The consequences of this legal doctrine, continued Lantto and Mörkenstam, was a “constructed system of Sami rights [which]

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<sup>382</sup> Patrik Lantto, and Ulf Mörkenstam, “Sami Rights and Sami Challenges,” 31.

<sup>383</sup> Patrik Lantto, and Ulf Mörkenstam, “Sami Rights and Sami Challenges,” 32.

<sup>384</sup> Erik Hedbäck, *The Practical Application of the Reindeer Laws in Sweden* (In Hill, Rowland G. P. (Ed.). *The Lapps today: in Finland, Norway, and Sweden. Conferences of Jokkmokk 1953, Karasjok 1956. On behalf of the Nordic Lapp Council, 1960, No. 1*), 59.

through legislation ... institutionalized a homogenous Sami identity deviant from the Swedish, maintaining a hierarchical order, at the same time as it explains and justifies an exclusion of the majority of people of Sami origins.”<sup>385</sup>

Great-power politics, such as the 1809 Treaty of Fredrikshamn, and domestic realities echoed across the Sápmi where a series of events set in motion deeply altering consequences for the Swedish Sámi. The closing of borders, the limited access to cross-border pastoralism, combined with a sense of economic undesirability and cultural unease,<sup>386</sup> and the need to control the increasing numbers of reindeers and of the Sámi population within certain areas of the country,<sup>387</sup> resulted, beginning in the mid-1800s, in the forced relocation and expatriation of Sámi herders and families from their ancestral lands and cultural roots. In several cases this turn of events also entailed the complete loss of reindeer herding practices and thus of cultural traits and sense of ethnic belonging. For instance, the 1919 Reindeer Grazing Convention between Sweden and Norway limited the cross-border of Swedish Sámi with their herds into Norway.<sup>388</sup> Although the

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<sup>385</sup> Patrik Lantto, and Ulf Mörkenstam, “Sami Rights and Sami Challenges,” 41.

<sup>386</sup> Relations between settlers and Sámi, argues Peter Sköld, have not always been conflictual. For instance, during the early twentieth century relations were more cooperative than perhaps later decades: “[...] it is important to remember that cultural co-existence has in no way been entirely a matter of disagreements but has above all entailed unique forms of co-operation. This close conjunction of the cultures of northern Sweden has entailed reciprocal influence, manifested by language, culture and identity.” (Peter Sköld, “Development, adjustment,” 482).

<sup>387</sup> Ingvar Åhrén, “Tvångsförflyttning eller dislokation: nordsamernas förflyttning till södra Lapland,” *Norbotten* (1976/77): 110, 118, 120.

<sup>388</sup> The Convention went a step further and regulated not only the amount of reindeers allowed within the Norwegian grazing areas but also the time and space where the reindeers were allowed within these territories: for example in the spring the period stretched from May 1 – June 14 (in some instances from May 1 – June 23), while the emigration from the Norwegian territories had to be completed before September 30. (Ingvar Åhrén, “Tvångsförflyttning eller dislocation,” 116-117).

Convention's agreements came into effect in 1923 it had the effect of regulating the amount of allowed reindeers in the northern territories, which could not surpass 39,000 heads per herder or family; violators were fined on a per-reindeer and per-day basis.<sup>389</sup> Consequently, the 1919 Convention saw large areas of this region suddenly becoming forbidden territories.<sup>390</sup>

There are doubts on whether all the Sámi that relocated did so free-willingly. Although this situation cannot be completely excluded, it has been shown that several were not given many alternatives to the relocation. They often faced limited options such as to either move or have their livestock halved.<sup>391</sup> Johannes Marainen has found, in official records, questionable voluntary requests from Sámi pointing to forgeries by local authorities.<sup>392</sup> The Sámi in a particular area would first be convinced to relocate with the financial support of local and national authorities. If this "encouragement" did not work, however, the relocation had to be forced through the confiscation of herds (which were either slaughtered and/or sold) and the placement of steep fines on the "disobeying" Sámi.<sup>393</sup>

Ingvar Åhrén adds, during the late 1800s and early 1900s, official records show that the Sámi were to be forcibly relocated to other areas. For example, in 1870, 200-275

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<sup>389</sup> Ingvar Åhrén, "Tvångsförflyttning eller dislocation," 14.

<sup>390</sup> Johannes Marainen, "Tvångsförflyttning av samer," *Norbotten* (1996): 64.

<sup>391</sup> Ingvar Åhrén, "Tvångsförflyttning eller dislocation," 123.

<sup>392</sup> Johannes Marainen, "Tvångsförflyttning av samer," 70.

<sup>393</sup> Johannes Marainen, "Tvångsförflyttning av samer," 71-72.

Sámi were relocated with about 20,000 reindeers from Kautokeino to Karesuando. While in the 1920s about 60 families consisting of 279 Sámi and some 16,500 reindeers were relocated from Karesuando to more southerly pastures.<sup>394</sup> Financial compensation did occur. What is not clear, however, is whether the real purpose of the compensation was meant as a way to cover the expense of the relocation or as a way to make the relocation more appealing for the Sámi.<sup>395</sup> There are also instances where the promised financial help never came and the Sámi had to absorb not only the cost of relocating but often the cost of lost reindeers along the way.<sup>396</sup> In this respect Marainen has found different accounts where if the Sámi refused to pay for the relocation costs, then the local authorities would sell as many reindeers as were necessary to pay for the relocation.<sup>397</sup>

These processes of eviction and relocation caused the dislocation of hundreds of Sámi and thousands of reindeers with devastating consequences.<sup>398</sup> These relocations also resulted in personal tragedies and unforeseen conflicts. According to Karppi, “the results of ... resettlement were a loss of fertile lands, and they were forced to adapt to modern livelihoods, and many were separated from family members residing on opposite sides of

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<sup>394</sup> Ingvar Åhrén, “Tvångsförflyttning eller dislocation,” 107-110. Although Åhrén warns us about the accuracy of available statistics, the numbers can still give us a sense of reality on the relocation of Sámi in Sweden between 1894-1947. The author has found that around 411 Sámi relocated (or were relocated). Of these Sámi the most affected in terms of relocation were the small owners where 32 families with 01-99 reindeers relocated compared with 1 family with 800-899 reindeers. During this period, the highest numbers of relocations happened between the years of 1921-1925 with 179 families. (Ibid.,124-125).

<sup>395</sup> Ingvar Åhrén, “Tvångsförflyttning eller dislocation,” 132.

<sup>396</sup> Ingvar Åhrén, “Tvångsförflyttning eller dislocation,” 142.

<sup>397</sup> Johannes Marainen, “Tvångsförflyttning av samer,” 72.

<sup>398</sup> Ingvar Åhrén, “Tvångsförflyttning eller dislocation,” 118, 120.

the border.”<sup>399</sup> For Johannes Marainen, many Sámi “were suddenly forced to leave behind everything they had built in their entire life ... they caused serious social and economic problems and human tragedies.”<sup>400</sup> While at the same time they also caused conflicts between Sámi groups. For instance, the incoming Sámi from the northern territories not only spoke a different dialect, and oftentimes they did not speak Swedish, but they also practiced a different kind of reindeer herding, one that kept the herds free. These differences conflicted with the herding practices of “southern” Sámi, whom keep they herds within pens/enclosures.<sup>401</sup>

With time, the question of land-rights would deeply define state-Sámi relations, and in this respect would create a sort of paternalistic approach where the Sámi would not play a participating role but they were rather victimized in accepting a status quo based on fictional definitions. In this mix of fragmented historical and political discourses the relationship that materialized was based on three characterizations put forward by Scott Forrest: i) Nordic kingdoms viewed the Sámi as nomadic, thus having no conception of ownership, and thus implemented the doctrine of *terra nullius*; ii) traditional Sámi economic activities, such as reindeer herding, were viewed as illegitimate or backwards, resulting in the privileging of modern forms of land use such as fixed and exclusive territoriality and exclusive agriculture; and finally, iii) through the “theory of the tragedy of the commons” the state viewed nomadic pastoralism as economically non-viable,

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<sup>399</sup> Kristiina Karppi, “Encountering Different Territorialities: Political Fragmentation of the Sami Homeland,” *Tijdschrift voor Economische en Sociale Geografie* Vol. 92, No. 4 (2001): 400.

<sup>400</sup> Johannes Marainen, “Tvångsförflyttning av samer,” 78.

<sup>401</sup> Ingvar Åhrén, “Tvångsförflyttning eller dislocation,” 140-141.

prompting systems of administration which increased state regulation of herding.”<sup>402</sup> Forrest adds, “In implementing rational herding policies, the states acted to serve their own interests with an underlying bias towards *modern* forms of organisation. Flawed initial assumptions based on incomplete knowledge meant state administrators had no real way of knowing the effects their modifications would have in the real world.”<sup>403</sup>

The social, political, fiscal, and economic displacement of the Sámi in Sweden is a multifaceted process. National sovereignty was redrawn at the expense of Sámi ancestral pasturelands, which resulted in forced removal of entire families from unwanted regions. The effects of the reindeer grazing acts were to recreate an “Authentic Sámi,” at the expense of the remainder of the Sámi identity. In general, the fiscal, land, and settlement policies, which have regulated the infiltration, exploitation, and colonization of Lapland since the sixteenth century, coupled with these legislations, eventually eroded Sámi rights and re-created Sámi identity.

#### The “White Man’s Indian” and the Making of the Indigenous Other in the United States of America

The cultural landscape in what was to become the United States of America was a vast and complex cultural mosaic where the lines of belongingness were at times blurry. There were undeniable stark differences that existed between the English and the Natives populations, writes James Axtell:

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<sup>402</sup> Scott Forrest, *The Territorial Dimension of State-Saami Politics* (In Eriksson, Johan, and Kristiina Karppi (Ed.) Conflict and Cooperation in the North. Finland: Noorlands Universitetsforlag i Umea AB, Bookshop TAJU, Univ. of Tampere, 2002), 252.

<sup>403</sup> Scott Forrest, *The Territorial Dimension of State-Saami Politics*, 264.



While English society was divided into 'divinely sanctioned' strata of wealth, power, and prestige, Indian society fostered an 'unnatural' sense of democratic individualism in the people. And while English ethnocentrism was based on a new religion, technology, social evolution, and ultimately race, the Indians' own strong sense of superiority, color-blind and religiously tolerant, could not be undermined except by inexplicable European diseases.<sup>404</sup>

This particularity made Colonial America a land of contrasts and opposing realities. For instance, colonial, British, and Indian realities were also coupled with settlers and frontiersmen's colonialism and were joined with an increasing hybrid American colonial and post-colonial life. Joyce E. Chaplin talks about "syncretism [as] the term usually applied to cultural mixture, until theories of language introduced the term hybridity as a comparable concept [for example] those inhabiting Richard White's middle ground, James Merrell's Shamokin, and James P. Ronda's praying towns."<sup>405</sup>

### *Lost Hybridity*

Colonial life was not as clear as it was once thought to be, and cultural lines were often not so clearly discerned. There are not any doubts that colonial America was "being forced to confront the novel otherness of native culture and to cope with its unpredictability, pride, and retaliatory violence."<sup>406</sup> Yet, this image is only part of the story and one needs to also consider the existing multiple realities and interests that changed the way we ought to look at White and Indian America.

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<sup>404</sup> James Axtell, *Colonial America Without the Indians: Counterfactual Reflections* (In Nichols, Roger L. (Ed.) *The American Indian: Past and Present*. New York: McGraw-Hill, 1992), 12.

<sup>405</sup> Joyce E. Chaplin, "Expansion and Exceptionalism in Early American History," *The Journal of American History* Vol. 89, No. 4 (2003): 1448-1449.

<sup>406</sup> James Axtell, *Colonial America Without the Indians*, 10.

There are several historical instances depicting this multiplicity of America. As with the Sámi, there was an anomalous juridical category, writes Berkhofer, whereby “some tribes existed for a period neither independent nor socially assimilated. Either through conquest or for other reasons, these tradespeople rendered homage to the monarch, held their lands from the crown, acknowledged themselves to be English subjects, and existed as communities and tribes under colonial protection.”<sup>407</sup> Along with these “anomalous tribes,” European western expansion into Indian country by the 1740s reconfigured Indian communities in these “uncharted” territories: “Ancient communities collapsed; new, multiethnic communities grew up out of the ruins of shattered societies ... their old identities often all but lost to history, amalgamated.”<sup>408</sup> Further amalgamation occurred as a result of decades of constant wars. By the end of the Revolution, writes Colin Calloway, “Shawnees from Ohio were living in Missouri, New England Indians were living among the Oneidas in New York,”<sup>409</sup> hence displacing and reconfiguring entire Indian Nations.

These sorts of “desperate” blending were also accompanied by other kinds of syncretic life shaping an unimaginable “landscape of cultural polyphony, or more accurately perhaps, cultural cacophony, [meaning] a country of mixed and mixing

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<sup>407</sup> Robert F. Berkhofer, *The White Man's Indian*, 132.

<sup>408</sup> Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge: Cambridge University Press, 1995), 8.

<sup>409</sup> Colin G. Calloway, *The American Revolution in Indian Country*, xiii.

people.”<sup>410</sup> New multiethnic lifestyles thus emerged by either choice or necessity, creating more than one America. There was, in fact, the America of the Indian Nations, of the British, of the Anglo colonists, of non-Anglo colonists, of the European immigrants, of the African slaves and of the free slaves, of the settlers, of the frontiersmen, and of those who did not fit in any of these ethno-cultural boundaries.

Indian country, writes Calloway, “was an arena in which a ‘kaleidoscope of human encounters’ generated a web of cultural exchanges as Indians, Africans, and Europeans made ... ‘creative adaptations’ to new places and new peoples ... European lived in and around Indian communities ... captives, traders, Indian agents, and even occasional missionaries underwent similar ‘conversion’ to Indian ways.”<sup>411</sup> “White Indians,” writes Calloway, became culture brokers and intermarriages created “new people of mixed ancestry,” where cultural boundaries were often “fuzzy and porous.”<sup>412</sup>

By century’s end the spirit of this “poly-Americanism” began to wane and the “kaleidoscope” was showing signs of monolithic nationalism. The optics were changing focus and were being clouded by the increasing speed of transformation sparked by the American Revolution, which “intensified familiar pressures on Indian lives and lands.”<sup>413</sup> It was the need of expansion and enlargement, and of the frontier and a creed of manifest

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<sup>410</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 1. Calloway adds, “Many Oneidas by [1776] were Presbyterians, although traditional beliefs and rituals survived intact. Some people were literate in both English and Iroquoian. Some Oneida children attended school, many Oneidas were skilled carpenters and farmers, and trade with Europeans was a major economic activity.” (Ibid., 2).

<sup>411</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 3, 16.

<sup>412</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 17, 19.

<sup>413</sup> Colin G. Calloway, *The American Revolution in Indian Country*, xiii.

destiny, which marked in large part the making of the new nation. This attitude is well presented in Fredrick J. Turner's essay published in 1894, which encapsulated what was to become the *new* American spirit; however, ushering "a new era and a new society from which [Indians] were to be increasingly excluded."<sup>414</sup> In contrast with the "European system of scientific administration," wrote Turner in the 1890s, the policy of the United States seems to have been a conscious western expansion pushed by settlers' demands for land: "In 1789 the States were the creators of the Federal Government; in 1861 the Federal Government was the creator of a large majority of the States."<sup>415</sup>

Turner's "seminal essay" does more than just advancing what came to be known as the "frontier thesis" of American History "and its lingering influence on the historiography of antebellum America."<sup>416</sup> It elucidates an attitude of the time towards land and the importance of territorial expansion as manifestations of a destiny and as means to an American national consciousness: "The growth of nationalism and the evolution of American political institutions were dependent on the advance of the frontier."<sup>417</sup> It is the vast amount of "free land" that provide the impetus to economic

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<sup>414</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 24.

<sup>415</sup> Frederick J. Turner, *The Significance of the Frontier in American History* (Ann Arbor: University Microfilms, 1966), 218-219. Turner theory of the American frontier has been "laid to rest by historians". Turner, however, is still useful in gazing into the "American spirit" of the late 1800s, where Turner laments its loss and romanticizes what was once the spirit that made America. In other words, is here used to emphasize an America that was changing, expanding, and modernizing.

<sup>416</sup> Lacy K. Jr. Ford, "Frontier Democracy: The Turner Thesis Revisited," *Journal of the Early Republic* Vol. 13, No. 2 (1993): 144.

<sup>417</sup> Frederick J. Turner, *The Significance of the Frontier in American History*, 217.

opportunity and in turn to political power.<sup>418</sup> For Turner, America is a nation in constant flux, in constant movement, “a perennial rebirth, this fluidity of American life ... will continually demand a wider field for its existence.”<sup>419</sup>

The 1800s were drastic and formative years for the new republic.<sup>420</sup> They were also years marked by transitional anxiety. This uneasiness was not only the result of a dramatic Civil War, or a “budding Populist revolt,” or the coming to terms with a “steady purchase of urbanization and industrialization on the essentially agrarian republic of the nineteenth century [where Turner] feared that the Jeffersonian ideals of the family-farm yeomanry were being sacrificed on the altar of industrial capitalism by Wall Street's high priests of finance.”<sup>421</sup> The end of the 1800s also marked the fading of Turner’s frontier, which meant “the closing of a great historic movement [of] American development.”<sup>422</sup> In other words, it meant the loss of a social “safety-valve” that transformed the psychological state of mind of the nation.<sup>423</sup>

Most importantly, Turner’s essay shows the consolidation of the modern industrial American state. Turner romanticizes the loss of the frontier, rather than calling

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<sup>418</sup> Frederick J. Turner, *The Significance of the Frontier in American History*, 223.

<sup>419</sup> Frederick J. Turner, *The Significance of the Frontier in American History*, 200, 227.

<sup>420</sup> When not capitalized the term “new republic” is herein used as a synonym of a “young”, antebellum, United States of America. On the other hand, when the term is capitalized it refers to The Early American Republic, 1789-1829.

<sup>421</sup> Lacy K. Jr. Ford, “Frontier Democracy,” 146.

<sup>422</sup> Frederick J. Turner, *The Significance of the Frontier in American History*, 199.

<sup>423</sup> Lacy K. Jr. Ford, “Frontier Democracy,” 148.

for a reconstitution of the original American Spirit or the fulfillment of American imperialist destiny. The old American Spirit, which marked American individualism and peculiarity, denoted a nation devoid of the full reaches of the state.<sup>424</sup> The frontier, and the wilderness that lay beyond, almost hermetically kept the state from reaching. By century's end, however, that was to change and the modern industrial American republic spread across the continent reaching all corners and absorbing all non-state autonomous spaces in its wake. Frontiersmen were to be absorbed into the modern society and the federal (and state) government was to regulate all aspects of American life. Turner was perhaps lamenting that at this point the nation was losing its Exceptionalism and becoming just like another European industrial nation. In fact, the frontier, once upon a time, brought the European colonist back to the wilderness: "The wilderness masters the colonist. It finds him a European in dress, industries, tools, modes of travel, and thought. It takes him from the railroad car and puts him in the birch canoe."<sup>425</sup> Unfortunately, however, the end of the frontier takes the American out of the wilderness and throws it into a similar urban spiritless setting as its European cousin.

On the opposite side of the historical spectrum we find the Indian Americans whom also experienced the effects of these transformative and transitional years coupled with centuries of their own transitional anxiety. The two processes, however, represented two very distinct dynamics with two very distinct closures; whereas the United States

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<sup>424</sup> For Rogin frontiersmen "substituted state and Presidential action for unregulated frontier individualism." (Michael P. Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian* (New York: Knopf, 1975), 313.)

<sup>425</sup> Frederick J. Turner, *The Significance of the Frontier in American History*, 201.

found unity, expansion, and growth the Indian Americans found division, compression, and decline.<sup>426</sup> Evidently, the birth of the United States of America altered the status of Indian Americans within the confined of the new nation, and consequently their relation *vis-à-vis* national and state governments. This “relation” needs, however, some clarification. Whereas the Sámi dealt with one centralized or unitary system of government, the relation of Indian Americans *vis-à-vis* the “state” was more complex.

The United States system of government is quite different and since its inception it went through significant structural, political, and legislative changes; i.e., from a confederal to a federal system. This originally peculiar system of government affected state-indigenous relations differently. Tribal nations were, in fact, recognised by the federal and state governments either mutually or differently and at times were also subjected to multiple jurisdictions, especially during transitional times; such as the 1830s or the 1870s, and even from the 1960s through the 1980s during the time of Native awakening and self-determination.<sup>427</sup>

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<sup>426</sup> “Long before the pioneer farmer appeared on the scene, primitive Indian life had passed away” (Frederick J. Turner, *The Significance of the Frontier in American History*, 209).

<sup>427</sup> According to Wilkins there is no real universal consensus when defining the term *tribe*, and as such *tribal nation*: “There is no universally agreed upon definition of what constitutes an Indian tribe, in part because each tribal community defines itself differently and because the U.S. government in its relations with tribes has operated from conflicting sets of cultural and political premises across time.” Although no universal definition exists, many statutes give definitions for the purpose of particular laws [for example] in the Constitution’s commerce clause [or] the Indian Self-Determination Act of 1975 (as amended) defines an Indian tribe as ‘any Indian tribe, band, nation, or other organized group or community ... which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.’ By contrast, the Supreme Court in *Montoya v. United States* (1901) even more ambiguously said that ‘by a ‘tribe’ we understand a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory.’ Broadly, the term tribe can be defined from two perspectives – ethnological and political-legal. From an ethnological perspective, a tribe may be defined as a group of indigenous people connected by biology or blood; kinship, cultural and spiritual values; language; political authority; and a territorial land base.” (David E. Wilkins, *American Indian Politics*, 12-13).

At the federal level the recognition of Indian American tribes, writes Wilkins, has two distinct meanings whereby before the 1870s the recognition meant the acknowledgment of the tribes usually through treaties. After the 1870s the recognition of a tribe was understood in term of acknowledging the tribal entity in relation to the federal government in political and jurisdictional terms: “It affirms a tribe’s sovereign status. Simultaneously, it outlines the federal government’s responsibilities to the tribe [meaning] that a tribe is not only entitled to the immunities and privileges ... but is also subject to the same federal powers, limitations, and other obligations.”<sup>428</sup> At the time of writing, the number of Federally-recognized Tribes stood at 566.<sup>429</sup>

The recognition of Indian tribes at the state level varies and does not include all the fifty states. The National Conference of State Legislatures lists, on its web site (updated April 2014), a total of fifteen states (Alabama, California, Connecticut, Delaware, Georgia, Louisiana, Maryland, Massachusetts, Montana, New Jersey, New York, North Carolina, Texas, Vermont, and Virginia) in which sixty-seven State-recognized Tribes are listed.<sup>430</sup> Recognition of Indian tribes by state governments, writes Wilkins, varies. Some have been recognized since colonial times, while other have

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<sup>428</sup> David E. Wilkins, *American Indian Politics*, 13-14.

<sup>429</sup> U.S. Department of the Interior, Bureau of Indian Affairs, “Tribal Directory,” <http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/> (accessed October 9, 2014).

<sup>430</sup> The National Conference of State Legislatures, “Federally and State Recognized Tribes,” <http://www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx#State> (accessed October 9, 2014).



achieved recognition through state decrees.<sup>431</sup> State recognition, however, “may or may not depend on prior federal recognition [and] state recognition is not a prerequisite for federal recognition.”<sup>432</sup>

While both levels of government are important in understanding the complex relation between Indian Americans and the state, for the purpose of this research, it is the federal government the focus of state-indigenous relations. The latter was chosen for both practical and analytical reasons. On the one hand, dealing with state government one is forced to deal with multiple realities, which may clog the analytical purpose of the study. On the other hand, constitutional supremacy of federal policies (or Supremacy clause) over Indian affairs makes state policies a subordinate matter.

#### *United States Indian Policy*

The (*re*)making of the Indian American plays out on a stage where the Indian Americans were no longer protagonist of their futures and where the needs of the New Republic reshaped the spatiotemporal cultural dynamics of the nation and of society. Being an American changed with it and also with these transformative developments being an Indian American changed too. In tracing these processes I have divided this section into four periods: i) the confederal years (1775 – 1789); ii) the new federal republic (1789 – 1812); iii) assertive American nationalism (1812 – 1870); and finally iv) reservization and assimilation period (1870 – 1920).

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<sup>431</sup> David E. Wilkins, *American Indian Politics*, 21.

<sup>432</sup> David E. Wilkins, *American Indian Politics*, 21.

*i) The Confederate Years (1775 – 1789)*

The July 1775 meeting of the Second Continental Congress is characteristic of the ambiguous relation that existed between white and Indian Americans a year preceding the Declaration of Independence. The speech to the Six Confederate Nations, the Mohawks, Oneidas, Tuscaroras, Onondagas, Cayugas, and Senecas, from the Twelve United Colonies, convened in Council in Philadelphia on July 13, 1775 reads:

We desire you will hear and receive what we have now told you, and that you will open a good ear and listen to what we are now going to say. This is a family quarrel between us and Old England. You Indians are not concerned in it. We don't wish you to take up the hatchet against the king's troops. We desire you to remain at home, and not join on either side, but keep the hatchet buried deep. In the name and in behalf of all our people, we ask and desire you to love peace and maintain it, and to love and sympathise with us in our troubles; that the path may be kept open with all our people and yours, to pass and repass, without molestation. Brothers! we live upon the same ground with you. The same island is our common birth-place. We desire to sit down under the same tree of peace with you: let us water its roots and cherish its growth, till the large leaves and flourishing branches shall extend to the setting sun, and reach the skies ... What is it we have asked of you? Nothing but peace, notwithstanding our present disturbed situation-and if application should be made to you by any of the king's unwise and wicked ministers to join on their side, we only advise you to deliberate, with great caution, and in your wisdom look forward to the consequences of a compliance. For, if the king's troops take away our property, and destroy us who are of the same blood with themselves, what can you, who are Indians, expect from them afterwards?<sup>433</sup>

One can only assume that the real desire of the speech was to secure Indian American neutrality and to avoid fighting a war on multiple fronts. The speech's brotherly message partially materialized the intended goal however with the Declaration of Independence an ambivalent process of "repositioning" the Indian American within the North American continent was set in motion; from a foe to a brother and back to being a foe. The place of Indian Americans in the new American nation was an ambivalent one: "the new republic

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<sup>433</sup> United States. *Journal of the Proceedings of the Congress, Held at Philadelphia, May 10, 1775*. Published by Order of the Congress ([London]: Philadelphia, printed; London, Re-printed for J. Almon, 1776), 159-160.

was still very much a revolutionary world in which their struggles continued with little abatement. For many Indian people, the Revolution was one phase of a ‘Twenty Years’ War’ that continued at least until the Treaty of Greenville in 1795.”<sup>434</sup> A revolutionary war, continues Colin G. Calloway, fought on multiple fronts: “economic, cultural, political, and military.”<sup>435</sup> David E. Wilkins affords us a sequence of key documents showing the uncertain position of Indian Americans in the new American nation.

In the *1776 Declaration of Independence* Indian Americans were “the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.”<sup>436</sup> The *Treaty of the Delaware Tribe of 1778*, on the other hand, opens the door to a possible Indian state joining the confederation where Article 6 states:

And it is further agreed on between the contracting parties, should it for the future be found conducive for the mutual interest of both parties, to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a State, whereof the Delaware nation shall be the head, and have a representation in Congress.<sup>437</sup>

With the advent of the *Articles of Confederation of 1781* the character of the confederation was changing and with it the *locus* of power was slowly moving from the periphery to the center. Under Article IX Congress was assuming “the sole and exclusive right and power of ... regulating the trade and managing all affairs with the Indians, not

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<sup>434</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 288.

<sup>435</sup> Colin G. Calloway, *The American Revolution in Indian Country*, xiii.

<sup>436</sup> United States. *The Declaration of Independence, 1776* (Washington: Dept. of State, 1911), 6.

<sup>437</sup> United States. *Treaties between the United States of America and the Several Indian Tribes, from 1778 to 1837* (Millwood, N.Y.: Kraus Reprint Co, 1975), 3.

members of any of the states.”<sup>438</sup> During the *Constitutional Convention of 1787*, however, Alexander Hamilton Federalist No. 24 reiterated the savage nature of Indian tribes as “The savage tribes on our Western frontier ought to be regarded as our natural enemies, [Britain’s] natural allies, because they have most to fear from us, and most to hope from them.”<sup>439</sup> While, in the midst of the Federal Debate, the enactment of the *Northwest Ordinance of 1787* reminded the American public and reassured the Indian Americans that:

utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.<sup>440</sup>

The newly ratified *United States Constitution of 1789* and the *Trade and Intercourse Act of 1790* both established the exclusive powers and rights of the federal government in dealing with Indian American Nations, tribes, or individuals. In the Constitution, Article 1 (Section 8, Clause 3), establishes the sole power of Congress “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes,”<sup>441</sup> while

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<sup>438</sup> United States. *The Constitutions of the Several Independent States of America, the Declaration of Independence, the Articles of Confederation between the Said States, the Treaties between His Most Christian Majesty and the United States of America* (London: Philadelphia printed, London reprinted ... by the editor, for J. Stockdale, 1782), 10.

<sup>439</sup> James Madison, Alexander Hamilton, John Jay, and Isaac Kramnick (Ed.), *The Federalist Papers* (London, England: Penguin, 1987), 190-191.

<sup>440</sup> *Northwest Ordinance of July 13, 1787, Journals of the Continental Congress, 32:340-41* (In Prucha, Francis Paul. *Documents of United States Indian Policy*. Lincoln: University of Nebraska Press, 1990), 10.

<sup>441</sup> *Laws of the United States of America from the 4th of March, 1789, to the 4th March, 1815, Including the Constitution of the United States the Old Act of Confederation, Treaties ... Volume 1* (Washington, D.C.: Congress, 1815), 64.

the *Trade and Intercourse Act* is an example of federal exclusivity over affairs related to Indian Americans where:

Section 1 ... That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that purpose under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall appoint for that purpose ... Sec. 4. That no sale of lands made by any Indians, or any nation or tribe of Indians the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.”<sup>442</sup>

Post-revolutionary America was characterized by land disputes and thus saw the Indian Americans through a new lens, writes Calloway: the Revolution “reduced the experiences of the Indian peoples to a single role,” that of being an *Indian*.<sup>443</sup> At this juncture the Indian American could no longer blend in nature’s landscape. While the United States, with its sense of survival and need of space, could not longer afford an Indian American “lurking in the woods” and competing for the same sovereignty and legitimacy.

At the end of the Revolutionary War the intertwined history of Indian Americans and Americans took distinct paths. On the one hand, the Indian Revolution ended and it marked the beginning of the end for the Indian American. Dependency became a reality, and where once the “native and European economies intersected [and] were drawn into the larger Atlantic economy” at the turn of the nineteenth century they were severed and turned into “souvenir-shops items.”<sup>444</sup> Wars, displacements, dislocations, were followed by decades of land speculations and other destabilizing practices of Indian socio-cultural

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<sup>442</sup> *Trade and Intercourse Act of July 22, 1790, U.S. Statute at Large 1:137-38* (In Prucha, Francis Paul. Documents of United States Indian Policy. Lincoln: University of Nebraska Press, 1990), 14-15.

<sup>443</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 291.

<sup>444</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 12-13.

fabric by the hands of rum traders and missionaries. For instance, already in the colonial ante-bellum, Indian leaders were complaining, “the Rum we get from the English hath drowned the Memory of all antient [*sic*] Customs & the Method of treating on public affairs.”<sup>445</sup> On the other hand, the American Revolution bore more than it asked for. Independence was followed by “new policies, new ideologies of republicanism, and new social experiments,” catapulting the new nation into decades of prosperous colonization, expansion, and growth.<sup>446</sup>

The Treaty of Paris of 1783 settled the claims of the Revolution and transferred to the Americans all British lands “east of the Mississippi, south of the Great Lakes, and north of the Floridas.”<sup>447</sup> Soon after, the old tensions and claims in the Ohio country resurfaced. This time a more fervent desire for land set in motion a new sway of land speculation. This time, however, the Americans were firm on finishing what the Virginians had begun in the Ohio country in 1748.

The position of the majority of the Indian American Nations at the dawn of the Revolution, their siding with the British, and the success of the Revolutionaries, reshaped the rules of engagement between the Indian American Nations and the new established government of the United States of America; whether under the Articles of Confederation or the Federal Constitution. At the center of what was soon to become troublesome Indian-United States relations lie land, the issue of territoriality, and the question of

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<sup>445</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 13.

<sup>446</sup> Colin G. Calloway, *The American Revolution in Indian Country*, xv, 24.

<sup>447</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 273.

sovereignty. Calloway adds “The end of the Revolution marked the beginning of years of turmoil as the region became an arena of competing national, state, and tribal interests, international intrigues, land speculation, and personal ambitions.”<sup>448</sup> Times had changed, writes Calloway, and the attitude and demeanor of the Americans towards the Indian Americans changed with it. For instance:

In 1775, Congress had instructed its treaty commissioners to ‘speak and act in such a manner as they shall think most likely to obtain the friendship or at least the neutrality of the Indians.’ Times had changed. James Duane, chairman of the Committee on Indian Affairs in the Continental Congress and mayor of New York City from 1784 to 1789, urged the United States not to continue the British practice of cultivating relations with the Indians as if they were nations of equal standing. The Six Nations should be treated as dependents of the State of New York. They should adopt American diplomatic protocol, not vice versa. Unless the United States seized the opportunity to implement this new hard-line approach, said Duane, ‘this Revolution in my Eyes will have lost more than half its’ [*sic*] Value.’ American treaty commissioners followed Duane’s advice and dispensed with wampum belts and elaborate speeches. ‘In their place,’ writes James Merrell, they ‘substituted blunt talk and a habit of driving each article home by pointing a finger at the assembled natives.’ Moreover, the federal government was just one player in the competition, as individual states land companies, and speculators scrambled for Indian lands.<sup>449</sup>

As the eighteenth century was drawing Indian Americans was slowly transforming into “domestic dependent nations.” In this general atmosphere Indian American lands were also slowly transforming into American territories. Treaty negotiations were often diplomatic rubber-stamps gradually losing their importance and validity. Richard White encapsulates the American attitude in the 1780s towards Indian Americans:

In May 1783, George Rogers Clark had distilled his judgments about how the Americans should treat the Indians. He recognized Indians’ independence (“They have no notion of being dependant [*sic*] on Either the brittish [*sic*] or americans [*sic*], But would make war on both if Equally Insulted”), but he thought their notion of their superiority to the Americans must be immediately crushed ... ‘Reduce them to the necessity of convincing them that we are always able to crush them at pleasure, and determined to do it when

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<sup>448</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 283.

<sup>449</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 282.

Even they misbehave ... A greater Opportunity can never offer to Reduce them to Obedience than the present moment.<sup>450</sup>

*ii) The New Federal Republic (1789 – 1812)*

The year 1789 marks the birth of the New Republic. The introduction of federalism as a new form of government not only changed the quality and extent of the federal government, but it also entailed a shift of the *locus* of power from the periphery (or the states), to the center. In this context the new federal republic began formulating a more uniform Indian policy that would eventually preempt or trump any state jurisdiction over Indian affairs.<sup>451</sup>

The political changes that swept across the nation would eventually, severely and forever, change the relation between the federal government and the Indian populations residing within the same contested territories. Most importantly, the federal constitution of 1789 gave the United States a renewed determination of endurance and a resolve to survive. Unfortunately, for the Indian Americans this also meant the beginning of the end and the vanishing of nature's landscape that up to this point provided a sort of undesired and intolerable shelter. The growth of the nation would mean the expansion of the frontier and the overpowering of the native lands, livelihood, and lives.

George Washington's presidency took the reins of the republic under the vestiges of the newly adopted federal constitution with some "soul searching" with regards to previous Congressional Indian policies. Based on a report submitted to President

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<sup>450</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 411-412.

<sup>451</sup> In other words, the Supremacy Clause (Article VI, clause 2) of the United States Constitution would make federal law "the supreme law of the land".



Washington by the Secretary of War Henry Knox, write Stanley M. Elkins and Eric L. McKittrick, “A basic theme in it was that the Continental Congress had stirred up unnecessary turmoil among the Indians following the Revolution by insisting on American ownership in fee simple of all territory east of the Mississippi in accordance with the Treaty of Paris, and by taking the position that the Indians, in siding with the British in the war, had forfeited all claim to it.”<sup>452</sup> For instance, Calloway points out that “Acting on the assumption of Indian war guilt and eager for the spoils of victory, American commissioners demanded lands from the Iroquois at Fort Stanwix in 1784; from the Delawares, Wyandots, and their neighbors at Fort McIntosh in 1785; and from the Shawnees at Fort Finney in 1786. They brushed aside Indian objections in arrogant confidence that Indian lands were theirs for the taking by right of conquest.”<sup>453</sup>

The new federal Indian policy, according to Knox, was to recognize the “legitimacy of the Indians’ claims, restraining the settlers, and permitting occupation only of those lands the Indians were prepare to sell voluntarily.”<sup>454</sup> Conditions on the ground, however, seemed to have spelled another reality, which according to Elkins and McKittrick, pushed Washington and Knox to respond to Native incursions on Ohio settlers with a strong military presence: “In June 1790 Washington under great pressure agreed to allow Generals Josiah Harmar and Arthur St. Clair to organize a limited

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<sup>452</sup> Stanley M. Elkins, and Eric L. McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 437.

<sup>453</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 282.

<sup>454</sup> Stanley M. Elkins, and Eric L. McKittrick, *The Age of Federalism*, 437.

punitive expedition.”<sup>455</sup> This course of events redefined the new federal republic’s Indian policy for decades to come and the defeat of Native forces at Fallen Timber in August of 1794 marked the loss of Native sovereign independence and symbolizes the resolute and strength of the United States on the western frontier.

At the closing of the century the attitude of the United States toward the Indian Americans in the Ohio Country, and beyond, began to shift. Arm-length coexistence, interactions based on treaties, and the respect of Native sovereignty were not producing the wanted results on neither side. Frontiersmen and settlers’ colonialism, and nationalism further heightened the already tense relations. Living peacefully despite the fundamental animosity and distrust was waning and the United States began looking into ways of solving the Indian question, short of total extermination of the Natives. The 1800s, writes Michael P. Rogin, were characterized by “Jackson, Indian, and westward expansion, not slavery and Negroes, [which] structured American politics for the next generation.”<sup>456</sup>

Solutions to this situation were sought, but the results one hoped for hardly materialized: “Both Washington and Jefferson expressed confidence in the Indian powers of improvement: Jefferson in particular favored a policy of complete assimilation. Racial amalgamation seemed the perfect solution.”<sup>457</sup> As with the forest Sámi in Sweden, the

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<sup>455</sup> Stanley M. Elkins, and Eric L. McKittrick, *The Age of Federalism*, 438.

<sup>456</sup> Michael P. Rogin, *Fathers and Children*, 297.

<sup>457</sup> Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Middletown, Conn: Wesleyan University Press, 1982), 5.

“Indian could be transformed into an American farmer, and transformed willingly.”<sup>458</sup> In the spirit of Jefferson’s yeoman republic, or a republic made up of freeholders, where his ideals “may best be understood as the moral, ideological, and literary construct of a humane and cultivated Virginian gentleman,” we find his assimilationist ethics, proposing the absorption of the Natives into mainstream American society, through a program of gradual civilization and, writes Daniel W. Howe, he saw intermarriage as being part of the solution. In fact, for Jefferson, the Indian question was to be resolved with the dilution of Indian blood through marriage: “Jefferson had welcomed intermarriage, hoping it would lead to the assimilation of the Natives into the dominant culture.”<sup>459</sup> In a letter to the *Miamis, Powtewatamies, Delawares and Chippeways* on December 21, 1808, Jefferson writes “The course they advise has worn you down to your present numbers, but temperance, peace and agriculture will raise you up to be what your forefathers were, will prepare you to possess property, to wish to live under regular laws, to join us in our government, to mix with us in society, and your blood and ours united will spread again over the great island.”<sup>460</sup> Another example of Jefferson’s beliefs on assimilation is also found a month later in a letter to *Chiefs of the Wyandots, Ottawas, Chippewas, Powtewatamies and Shawanese*, dated January 10, 1809: “In time, you will

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<sup>458</sup> Brian W. Dippie, *The Vanishing American*, 5.

<sup>459</sup> Stanley M. Elkins, and Eric L. McKittrick, *The Age of Federalism*, 200; Daniel W. Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 344-345.

<sup>460</sup> Thomas Jefferson, and H. A. Washington. *The Works of Thomas Jefferson: Published by Order of Congress from the Original Manuscripts Deposited in the Department of State* (New York: Townsend Mac Coun, 1884), 217-218.

be as we are; you will become one people with us. Your blood will mix with ours; and will spread, with ours, over this great island.”<sup>461</sup> On the question of relocation Jefferson saw it as relocating Indian tribes for their own protection, where forced relocation did not seem to be an option. Although Jefferson’s methods and approach were much different from his successors, the final goals remained the same: the freeing of land for white settlers.

Jefferson’s optimism, writes Brian W. Dippie, “of racial harmony” was unfortunately short lived and the Indian Americans were not to be convinced as easily as the Americans had hoped for.<sup>462</sup> President James Madison’s optimism in 1809, seeing “our Indian neighbors had remained at peace and were rapidly advancing toward civilization,”<sup>463</sup> was soon put to the test. The challenge came during renewed hostilities between the United States and Great Britain; the first since the end of the Revolutionary War. The War of 1812 was many things. For the Natives it symbolizes internal strife, as factions sided with either the British or the Americans, but for many an opportunity to halt the United States’ western expansion and to push back its frontier to pre Treaty of Paris status. Unfortunately, the conflict came to an unglamorous end and once again the British proved to be more pragmatic than honorable. Most importantly, for the Americans the Indian “turn-coat” was seen as a sign of betrayal threatening not only the precepts of the Revolution but also the very existence of the United States. On the frontier,

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<sup>461</sup> Thomas Jefferson, and H. A. Washington. *The Works of Thomas Jefferson*, 234.

<sup>462</sup> Brian W. Dippie, *The Vanishing American*, 6.

<sup>463</sup> Brian W. Dippie, *The Vanishing American*, 6.

“Americans ... could still see a Redcoat behind every redskin,” and as such the War “had permanently altered Indian-white relations in North America.”<sup>464</sup>

*iii) Assertive American Nationalism (1812 – 1870)*

At the conclusion of the War of 1812, and following the Treaty of Ghent in 1814 officially ending the War, “U.S. hegemony over the Old Northwest stood unchallenged.”<sup>465</sup> At this juncture the United States was preoccupied with the economy and its position on the world stage and saw the need to leave behind traditional forms of subsistence and embrace the market and industrial changes of the old country if it was to survive as a nation and as a country.

The United States embarked on a series of assertive economic policies, and ambitious infrastructural developments, “all displayed in one form or another the American nationalism ... of the period.”<sup>466</sup> In 1800 the country was still a predominantly

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<sup>464</sup> Brian W. Dippie, *The Vanishing American*, 7.

<sup>465</sup> Daniel W. Howe, *What Hath God Wrought*, 136.

<sup>466</sup> Daniel W. Howe, *What Hath God Wrought*, 116. Howe adds, “The United States in 1815 resembled the economically developing countries of today in many ways: high birthrate, rapid population growth, most people being in the agricultural sector, and surplus rural population migrating in quest of a livelihood. Poor transportation meant that many farms in the hinterland operated only just above subsistence level. As usual in such countries, communication was slow; infectious disease was prevalent; conflicts among ethnoreligious communities sometimes became violent. Save New England, free public education represented the exception rather than the rule. Like developing countries generally, the United States needed to import manufactured goods and paid for them with agricultural staples and the export of raw materials like timber, tar, and fur. Over the next three decades the United States would confront many issues common in developing countries: how to attract or mobilize investment capital; how to provide municipal services (police, water, fire protection, public health) for the suddenly growing cities; how to create and fund a system of public education capable of delivering mass literacy; how to combine industrialization with decent labor conditions and hours of employment; how to arbitrate disputes between indigenous peoples and white settlers intent on expropriating them.” (Ibid., 43).

agricultural and proto-industrial nation. The transition began, writes Wilma A. Dunaway, in 1815 where:

What energized the American transition to capitalism was a far-reaching market revolution between 1815 and 1848, during which capitalist forms of industry, agriculture, and labor were established in the North and a slave-based order was entrenched in the South. Thus, the post-Revolutionary transition to domestic capitalism was a product of several historical developments: (1) European demand for agricultural products; (2) rapid American population growth; (3) the structuring of political systems that became increasingly responsive to the interests of capitalists; (4) the increased mobility of capital effected through new credit, currency, and investment opportunities; (5) and technological and transportation advances. Increasing involvement in the market fueled a gradual accretion toward capitalism, culminating in two significant transformations in American rural society: a shift from local self-sufficiency toward increased dependence on outside markets and the replacement of household manufacturing by centralized workshop factories.<sup>467</sup>

Consequently the 1800s saw the United States entering the industrial market economy by ripping the effects of the Industrial Revolution in Europe. The United States became an important supplier of raw materials in the global market such as timber, cotton, and even silver well into the end of the century. With this repositioning of the country in the global economy, according to Michael P. Rogin, “America transformed itself from a household to a market society.”<sup>468</sup> This evolution affected not only the economy of the nation. On the contrary, continues Rogin, it changed society and its values to the core. For instance:

The extension of the market broke down family-based household structures – subsistence agriculture, household manufacture, the master apprentice system, family welfare. The market undermined or transformed the stable old families which had dominated American society. It undermined the chartered monopolies, traditional churches, and other deferential corporate forms of eighteenth-century life. It set men, goods, and money in motion. The tensions ... ‘were largely due to an agonizing and finally unsuccessful attempt to retain the spirit of a sacred society, a family brotherhood, within a framework of conceptual and institutional constructs based upon freedom of contract.’<sup>469</sup>

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<sup>467</sup> Wilma A. Dunaway, *The First American Frontier: Transition to Capitalism in Southern Appalachia, 1700-1860* (Chapel Hill: University of North Carolina Press, 1996), 6.

<sup>468</sup> Michael P. Rogin, *Fathers and Children*, 251.

<sup>469</sup> Michael P. Rogin, *Fathers and Children*, 251-252.

Another issue occupying the minds and souls of Americans was the *Indian Question*. The latter, and the solutions sought through various Indian policies, would consume most of this century. Overall, the only acceptable conclusion was the erasure of the Indians from the American landscape. The question thus was not “whether” but “how:” removal, assimilation, reservization, total annihilation, or a mixture thereof.

Under President Monroe the betrayal of 1812 was still vivid. Secretary of War John C. Calhoun supported a dual policy of “gradual resettlement of the southern tribes across the Mississippi, while simultaneously promoting the assimilation of some of their members into white society.”<sup>470</sup> His attitude toward the Indian Americans, however, epitomized an increasing general feeling in America. He proposed a new direction: “They neither are, in fact, nor ought to be, considered as independent nations. Our views of their interest, and not their own, ought to govern them.”<sup>471</sup> In other words, writes Dippie, “Whatever rights the Indians enjoyed in the future would be at the discretion of the government.”<sup>472</sup>

Another general attitude was that where Christian and secular education would fail in civilizing the Natives, destiny would run its course and the Indian race would simply vanish: “the Vanishing American won public acceptance after 1814. By its logic,

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<sup>470</sup> Daniel W. Howe, *What Hath God Wrought*, 255.

<sup>471</sup> Brian W. Dippie, *The Vanishing American*, 8.

<sup>472</sup> Brian W. Dippie, *The Vanishing American*, 9. Dippie continues, “Native title to the soil, based on the right of occupancy, a legalism understandable when tribes could resist expansion and had to be placated, was now vulnerable. By siding with the British, the ungrateful Indians had forfeited any claim to sympathy. The country owned them nothing; its sense of fair play was now their sole protection.” (Ibid.)

Indians were doomed to ‘utter extinction’ because they belonged to ‘an inferior race of men ... neither qualified to rise higher in the scale of being, nor to enjoy the benefits and blessings of the civilized and Christian state.’<sup>473</sup> In this seemingly national emotional state the once noble savage, became the fallen savage, and at this point in American history and for almost the remainder of the century, the Indian was nothing more than a vanishing savage.<sup>474</sup>

There was also another side of the *Vanishing American* theorem according to Dippie. Indian American population was seemingly decreasing not so much due to a “government’s ‘genocidal’ Indian policy,” but rather due to a variety of ancillary causes. For instance:

Warfare, either interracial or intraracial, was ranked high as a cause of Indian depopulation ... figures overlook the disruption and destruction of tribal life itself, however, and the attendant, depressing effects on Indian population cause by persistence military pressure [numbers were also lost] through capture, enslavement, famine, exposure, and permanent removals consequent to defeat ... White injustice, not inevitable destiny, made the red man droop ‘like the fading flower before the moon day sun. The belief in the Vanishing Indian was the ultimate cause of the Indian’s vanishing.’<sup>475</sup>

The obvious ambivalence toward Indian Americans made for an Indian policy that was multifaceted and at times also contradictory and impractical. Isolation and segregation of white and Indian populations was thought as a viable solution, ironically to save the Indian from “the white man’s vices.” Side-by-side to isolating the Natives was, however, a constant attempt to “civilize” them through policies of assimilation. After all “the cherished object of federal Indian policy remained constant: the civilization and ‘ultimate

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<sup>473</sup> Brian W. Dippie, *The Vanishing American*, 10-11.

<sup>474</sup> Brian W. Dippie, *The Vanishing American*, 28.

<sup>475</sup> Brian W. Dippie, *The Vanishing American*, 71.



incorporation' of the Indians into the body politics."<sup>476</sup> The contradictory nature of the federal Indian policy was often criticized in both public and private fora. For instance, writes Dippie, "Henry Schoolcraft, who had wide experience among the northwestern tribes, complained in 1828 that Indian legislation 'is only taken up a pinch. It is a mere expedient to get along with the subject ... Nobody knows really what to do.'"<sup>477</sup> Nonetheless, one of these proponents of assimilation and citizenship was President John Quincy Adams whom "resisted ... a high-handed method of dispossession [pushing for a] process to respect law and order and federal supremacy" and through his Secretary of War James Barbour, supported a policy of "assimilation and U.S. citizenship [as] the only just long-term policy toward the Indians."<sup>478</sup>

In the meantime, while America was trying to come to terms with its Indian question, the midway between segregation and assimilation was found in various Trade and Intercourse Acts and in the factory system. Although the factory system was relatively short lived, both were believed to mitigate the issue of land and to "provide an acceptable area for experimentation in governmental efforts at benevolent control."<sup>479</sup> Yet, segregation would not only remain "the key note of federal policy," but it would also lay the moral justification for the removal policies that were to come in the 1830s.

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<sup>476</sup> Brian W. Dippie, *The Vanishing American*, 47.

<sup>477</sup> Brian W. Dippie, *The Vanishing American*, 48.

<sup>478</sup> Daniel W. Howe, *What Hath God Wrought*, 346, 347, 348.

<sup>479</sup> Brian W. Dippie, *The Vanishing American*, 54.

The history of the Indian Removal Act of 1830 and the final removal of the Five Civilized Tribes between 1836 and 1839, and subsequent Native tribes, is a long and complex mix of competition for land, cultural survival, and racial supremacy. The idea of relocating Indian tribes to make room for the expanding American nation was not new in the 1820s or 1830s. Meriwether Lewis, writes Dippie, assigned by Thomas Jefferson to test a possible policy of removal in the Louisiana territory believed it to be a policy ““of primary importance to the future prosperity of the Union.””<sup>480</sup>

It was, however, President Andrew Jackson who would see the full implementation of Indian removal through the Indian Removal Act of 1830. Jackson, and the supporters of removal, thought it to be “an act of enlarged philanthropy [providing] the policy’s ... a humanitarian rationale [as] its cornerstone.”<sup>481</sup>

During his presidency “tribes were compelled to sign a number of removal treaties in which they ceded virtually all their aboriginal territory in the east in exchange for new lands west of the Mississippi.”<sup>482</sup> A case in point is found in the Kickapoo Treaty signed on October 24, 1832 where Article 1 states: “The Kickapoo tribe of Indians, in consideration of the stipulations hereinafter made, do hereby cede to the United States, the lands assigned to them by the treaty of Edwardsville ... and all other claims to lands within the State of Missouri.”<sup>483</sup>

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<sup>480</sup> Brian W. Dippie, *The Vanishing American*, 56.

<sup>481</sup> Brian W. Dippie, *The Vanishing American*, 60-61.

<sup>482</sup> David E. Wilkins, *American Indian Politics*, 107.

<sup>483</sup> David E. Wilkins, *American Indian Politics*, 29.

Jackson's convictions had deep ideological motives and represented the general standing of many Americans. Geopolitics and race were often at the fore of the political debate and Jackson was not an exception. In fact, for Jackson "the tribes not only occupied rich land, they threatened American sovereignty as the British and Spanish had done and, like the free black maroon communities of Florida, challenged white supremacy."<sup>484</sup> For these reasons, writes Howe, Jacksonian removal "set a pattern and precedent for geographical expansion and white supremacy that would be invoked in years to come by advocates of America's imperial 'manifest destiny' ... a prerequisite to the westward expansion of white settlement."<sup>485</sup> On the other hand, white supremacy also characterized Jacksonian democracy in general and the "Democratic Party" in particular: "Jackson's administrations witnessed racial confrontation not only between whites and Native Americans, but also between whites and blacks [and] In the first place it was about the extension of white supremacy across the North American continent."<sup>486</sup> The "extension of white supremacy" was to be achieved through an increase in white male suffrage; for instance, between 1824 and 1828 "adult white males voting soared to 56.3 per cent."<sup>487</sup>

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<sup>484</sup> Daniel W. Howe, *What Hath God Wrought*, 347.

<sup>485</sup> Daniel W. Howe, *What Hath God Wrought*, 365, 367.

<sup>486</sup> Daniel W. Howe, *What Hath God Wrought*, 357, 423.

<sup>487</sup> Richard P. McCormick, "New Perspectives on Jacksonian Politics," *The American Historical Review* Vol. 65, No. 2 (1960): 293.

The 1830s saw, in fact, the “triumph of American democracy,” and “with the emergence of Jackson the political pulse of the nation quickened.”<sup>488</sup> This “pulse” was fueled by an increase in electoral participation, which in turn was facilitated by a change in electoral laws in 1811 removing the property requirement and replaced it with taxation. This change was especially important for western territories, which were desperate to attract settlers.<sup>489</sup> With the 1828 elections it seems that the United States was finally entering modernity and this newly enfranchised mass of voters was proof of it. There is, however, another side to this white male suffrage. Namely, it guaranteed that America was to stay a white nation.

In some corners of American society Indian removal was, however, rejected as inhumane and opposed on Christian and moral grounds. There were, in fact, several groups opposing the dispossession and deportation of Indian Americans. The anti-removal lobby came predominantly from religious and women groups, which saw the Act as “a cruel betrayal ... undercutting efforts to ‘enlighten and christianize’ [*sic*] the Indians [and] as a moral issue.”<sup>490</sup>

Jackson’s presidency is of particular interest for the histories of Indian Americans. This period is often taken as a key turning point, not only because of the Removal Act, rather because it is during his presidency that the United States experience key transformations. Namely, as seen above, the United States was being transformed by a

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<sup>488</sup> Richard P. McCormick, “New Perspectives on Jacksonian Politics,” 289.

<sup>489</sup> Stanley L. Engerman, and Kenneth L. Sokoloff, “The Evolution of Suffrage Institutions in the New World,” *The Journal of Economic History* Vol. 65, No. 4 (2005): 899-900.

<sup>490</sup> Daniel W. Howe, *What Hath God Wrought*, 349, 351.

market revolution, modernization, and a paternal expansionistic nationalism expressed in a “manifest destiny.”<sup>491</sup>

In the 1830s the United States was experiencing the height of modernity and with that the modernization of the country and society followed and demanded the breaking away with tradition. The Jacksonian period, together with the changes occurring to the body of the electorate, had all the characteristics of a modernizing nation. From Rogin we see that Jackson was the first presidential candidate to campaign for office riding on a party organization that broke “politics from family social status and populated it with anonymous men.” As such, “Jackson was the first modern president” pushing for a reformed and impersonal bureaucracy “presided over a strong executive.” Jackson often stood for “centralization and control against local, parochial loyalties.”<sup>492</sup>

As with Sweden, these changes also meant that indigenous people could no longer be left at the fringes of society and they had to be brought within the national discourse. In the United States, however, the process was more complex. For one thing, during Jackson’s presidency the United States still had a western frontier that lay outside its sovereign claims. While in the case of Sweden, by the 1600s, the crown had stretched its sovereign claim to include the northern Sámi territories. As such, those Indian Americans living within white society were to be assimilated, while those living parallel to white society, and therefore contesting U.S. sovereignty, had to be removed and isolated; apparently, once again, for their own protection. Protection meant that whatever

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<sup>491</sup> Michael P. Rogin, *Fathers and Children*, Chapters 8 and 10.

<sup>492</sup> Michael P. Rogin, *Fathers and Children*, 255, 263, 264, 267, 272.

isolationist action the United States took against the Indian Americans was to be seen as an attempt to protect the traditional livelihood of the Indians; a similar discourse was also found in the *Trade and Intercourse Act of July 22, 1790*.

Finally, those found outside America proper had to be kept confined in the west to protect America's territorial sovereignty. This latter need was, however, contested by a pressing conundrum, how to keep the frontier as a safety buffer while the need for growth and to feed the emerging market economy demanded a western expansion. The answers were found in ambiguous and ambivalent Indian, domestic, and foreign policies which attempted to strike a balance between the cautious realities of the nation, the ambitious goals of the government, the avid greed of land speculators, and rebellious attitude of the frontiersmen.

Jackson "identified expansion with American nationalism."<sup>493</sup> Unfortunately, however, Indian Americans, and as found in Rogin quoting William Gilpin, were seen as the obstacle in achieving the "untransacted destiny of the American people." For Jackson, one way of achieving this "destiny" in the East was to assault and to weaken Indian clan ties and in the process turning "Indian into children, dependent on an omnipotent father."<sup>494</sup> In the West, on the other hand, western expansion was to be fueled by instilling "negative projections" of Indians into the white man's mentality, because, writes Rogin, most likely reflecting Jackson's attitude, "Indians functioned better as

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<sup>493</sup> Michael P. Rogin, *Fathers and Children*, 296-313.

<sup>494</sup> Michael P. Rogin, *Fathers and Children*, 275, 296. This, goes without saying, came at a cost, that of "Indian dispossession [which] underlay Gilpin's vision of American destiny." (Ibid.).

negative projections; America expanded not with them, but against their boundary invasions.”<sup>495</sup>

Western expansion was at the fore of American politics in the 1830s and 1840s. Territorial contentions with Mexico, the question of Texas, the looming threat of Great Britain (mostly perceived), and the still existing Indian threat made the west a Manifest Destiny or “An organic natural right, dressed in legal clothes.”<sup>496</sup> Manifest destiny has been conceptualized in a variety of ways and for a myriad of reasons. From John Winthrop’s sermon in 1630 as an early example of American Exceptionalism, or John L. O’Sullivan’s “manifest destiny”, or William Gilpin’s 1846 address to the United States Senate on the “untransacted destiny of the American people” are seen as “narratives to render nationalist mapping understandable.”<sup>497</sup> In the case of the United States manifest destiny ought to be understood as a hybrid of civic nationalism, mixed with waves of ethnic essentialism, characterized by capitalist goals, and conceptualized in the religious rhetoric of the time.<sup>498</sup> Most significantly, writes Anders Stephanson, manifest destiny “has to do with space, not time ... is about a certain destination [in this case] the outer

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<sup>495</sup> Michael P. Rogin, *Fathers and Children*, 303.

<sup>496</sup> Michael P. Rogin, *Fathers and Children*, 308. Rogin adds, the origins of Manifest Destiny should, however, be sought not in the expansionistic rhetoric of the 1840s, but in Jackson’s experience of the War of 1812, “west of the Appalachian, not west of the Mississippi.” (Ibid., 307).

<sup>497</sup> David Maybury-Lewis, Theodore Macdonald, and Biorn Maybury-Lewis, *Manifest Destinies and Indigenous Peoples* (Cambridge, Mass: Harvard University David Rockefeller Center for Latin American Studies, 2009), 2, 9. For O’Sullivan’s coinage of the word *manifest destiny* see John L. O’Sullivan, “Annexation,” *The United States Democratic Review* Vol. 17, No. 85 (July-August 1845): 5-10.

<sup>498</sup> David Maybury-Lewis, Theodore Macdonald, and Biorn Maybury-Lewis, *Manifest Destinies*, 3-27.

edges of the North American continent.”<sup>499</sup> Richard White expresses another interesting point with regards to manifest destiny. American expansionism, or self-aggrandizement, happened at the expense of Indian Americans where they were the only group that “had to contract as the United States expanded.”<sup>500</sup> Finally, American expansionism, and by extension manifest destiny, needs to be understood, in the words of White and others, not as a mere “domestic development,” but as a conscious prelude of an American empire in the making. For instance:

In the larger context of American expansionism and its place in world affairs, the expansion across the western United States and the subordination of Indian peoples is not a parochial story. Western expansion was about empire, as much as the American people and many historians would like to treat it as a purely domestic development ... the creation of an overseas empire in 1898 was not ‘unthinking or accidental’. It had precedents in continental expansion, which was just as conscious ... expansion into the West was a state activity and ‘not wholly the work of private actors ... a complicated hybrid of government, private, and corporate agents.’<sup>501</sup>

The 1820s and 1830s brought innovations in transportation and communication that gave the United States a new momentum of rapid expansion and growth. Over the course of a century the expansionism of the 1700s was replaced by a full-fledged “imperial thrust.” According to Daniel W. Howe, the establishment of what was to be labeled the Monroe Doctrine of 1823, provided the psychological mind-set for the Americans to look westward: “In terms of national psychology, the Monroe Doctrine marked the moment when Americans no longer faced eastward across the Atlantic and turned to face

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<sup>499</sup> Anders Stephanson, *An American Story? Second Thoughts on Manifest Destiny* (In Maybury-Lewis, David, Theodore Macdonald, and Biorn Maybury-Lewis (Ed.). *Manifest Destinies and Indigenous Peoples*. Cambridge, Mass: Harvard University David Rockefeller Center for Latin American Studies, 2009), 36.

<sup>500</sup> Richard White, *The American West and American Empire* (In Maybury-Lewis, David, Theodore Macdonald, and Biorn Maybury-Lewis (Ed.). *Manifest Destinies and Indigenous Peoples*. Cambridge, Mass: Harvard University David Rockefeller Center for Latin American Studies, 2009), 203-204.

<sup>501</sup> Richard White, *The American West and American Empire*, 218-219.



westward across the continent.”<sup>502</sup> In fact, by the mid nineteenth century, writes Howe, “The imposition of U.S. authority all the way to the Pacific, so clear by 1848, represented an astounding transformation when one considers the state of North America in 1815.”<sup>503</sup>

The years between 1848 and 1850 were a turning point for both the United States and for white-Indian relations. First, California became a U.S. possession in 1848, and later the thirty-first state in 1850. The creation, in 1849, of the Department of the Interior transferred the authority of Indian Affairs from the War Department to a civilian entity. The importance of this move marked the beginning of a “guardian and ward” relationship between America and Native tribes.<sup>504</sup> By mid-century Americans were finally aware “that western expansion had fatally compromised the isolationist policy [and that]. ‘whites can no longer be kept out of the Indian country.’”<sup>505</sup>

Western expansion was now seen as an inevitable destiny of America. The belief that the United States was destined, some said by God, to expand its territory and to extend and enhance its political, social, and economic influences over the whole of North America was epitomized in the idea of a “manifest destiny.” This provided the moral justification (if not the absolution from sins and punishment) for the extent of land sequestration and appropriation, through treaties, forced removal, or otherwise. The support and pursuit of this destiny, writes Howe, “came from a number of groups in

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<sup>502</sup> Daniel W. Howe, *What Hath God Wrought*, 115.

<sup>503</sup> Daniel W. Howe, *What Hath God Wrought*, 19.

<sup>504</sup> Brian W. Dippie, *The Vanishing American*, 73.

<sup>505</sup> Brian W. Dippie, *The Vanishing American*, 73.

American society. Western land speculators, railroad promoters, and small farmers eager for a chance to start over had obvious interests in westward expansion.”<sup>506</sup> Overall, Indian opposition to the white American expansion was seen with scorn and as proof of hindering the manifest destiny of the new nation, and “furthered the conviction that Indians must be savages [and] The United States looked forward to a future without Indians.”<sup>507</sup> Total annihilation or racial disappearance was not, however, something preferred or happening. Consequently, western expansion had to deal with Indian Americans on a vast scale. The solution was found in the reservationization of Native tribes across the west.

The attitude towards Indian Americans began changing also across popular culture. For one thing, writes Dippie, the Indians were widely elevated above the blacks: “The Indian ... was recognized as a dignified human being, with a legitimate life of his own, to a far greater extent than was the Negro. Above all he was taken seriously.”<sup>508</sup> By mid-century onward, although the Indian question was still unanswered, adds Dippie, “Indians, in contrast to blacks, were invariably described as ferociously independent and

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<sup>506</sup> Daniel W. Howe, *What Hath God Wrought*, 705. Howe adds that proponents of “manifest destiny” and a westward expansion “postulated a vacant continent, ignoring the prior claims of Native Americans and Mexican.” This wave of American expansionistic imperialism, however, “did not represent an American consensus; it provoked bitter dissent within the national polity.” (Ibid.).

<sup>507</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 297, 301.

<sup>508</sup> Brian W. Dippie, *The Vanishing American*, 88.

proud – ‘perfect republicans,’ one early admirer put it.’<sup>509</sup> By 1854 “plumed profiles graced United States coinage.”<sup>510</sup>

In this climate of disorientation and bewilderment white America was unsure of what to make of the Indian Americans. Their spirit and pride made them worthy of being part of the “body politics,” and yet their “lack of civilization” made it difficult to sell it to the nation. In the 1850s the question of citizenship was still far. The courts also saw Indian Americans as not belonging to the citizenry. In *Dred Scott v. Sandford* (1857) this was made perfectly clear: “Indian tribes were ... ‘yet a free and independent people, associated together in nations or tribes and governed by their own laws.’”<sup>511</sup> Although this reality was soon to change, at this juncture, Indian tribes were still considered “foreign nations” and “were regarded and treated as foreign governments, as much so as if an ocean had separated the red man from the white.”<sup>512</sup>

This spirited affirmation needs to be seen in the climax of antebellum America. The struggle between federal and state rights, the question of slavery, and the extent of American “manifest destiny” all played a role in the perception and administration of Indian affairs. These conditions all changed in the postbellum years. For Dippie, the mood began to change, although it was short-lived, in the 1870s where, as prominent

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<sup>509</sup> Brian W. Dippie, *The Vanishing American*, 89.

<sup>510</sup> Brian W. Dippie, *The Vanishing American*, 91.

<sup>511</sup> David E. Wilkins, *American Indian Politics*, 52.

<sup>512</sup> David E. Wilkins, *American Indian Politics*, 52.

historian Benson J. Lossing, quoted in Dippie, argued, “Make the Indian a citizen of the republic, wherever he may be, and treat him as a man and a brother.”<sup>513</sup>

Unfortunately, the 1870s saw economic recession reaching almost post-revolutionary levels and “the atmosphere of goodwill and humanitarian optimism ... dissipated.”<sup>514</sup> At the horizons, loomed a paternalistic approach to the Indian question. Answers were sought by confining Indian Americans to “reserved” lands, either through treaty or statute, through forced reeducation, and in policies meant to civilize the “red man.” In this tumultuous period Indian Americans were more and more vacuumed into a legal and political limbo, which resulted in socio-economic marginalization and exclusion. An example of this period is found in the Senate Judiciary Committee’s final report of an investigation into “whether the Fourteenth Amendment had ... enfranchised Indians.”<sup>515</sup> The committee “reported ... that ... Indians who remained bound to their tribal nations were not and could not be subject to the Constitution’s Fourteenth Amendment including its citizenship clause ... The committee did state that individual Indians who had ‘merged in the mass of our people’ became subject to federal jurisdiction, but stopped short of declaring even detribalized Indians American citizens.”<sup>516</sup> These new realities set in motion a series of changes that remapped the meaning of being Indian American in the United States.

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<sup>513</sup> Brian W. Dippie, *The Vanishing American*, 93.

<sup>514</sup> Brian W. Dippie, *The Vanishing American*, 93.

<sup>515</sup> David E. Wilkins, *American Indian Politics*, 52.

<sup>516</sup> David E. Wilkins, *American Indian Politics*, 52-53.

*iv) Reservization and Assimilation (1870 – 1930)*

A change in policy toward Indian Americans came around the mid-1850s with the introduction of a reservation policy. The United States, in the wake of new territorial acquisitions in the west and southwest, saw reservations as necessary to control the Indian American population.<sup>517</sup> In later years, however, reservations were seen as one of the primary tools in the assimilation of Indian Americans into the larger white American society.

In postbellum United States the country was facing multifaceted challenges and serious financial constrictions. In addition, there was the question of the reintegration of the southern states back into the Union. A policy of Reconstruction, imposed by Congress (1865-1877), dealt with the latter problem. Unfortunately, the reconstruction of the national economy, the mending of the social scars, the Emancipation question and the amendment of the Constitution (the Civil War Amendments), the imposition of federal jurisdiction across the “re-unified” nation, and the atonement with southern brethren had to come to terms with the global economy. In fact, the already precarious domestic conditions were further exacerbated by global financial realities, which starting in the early 1870s triggered a series of global financial and economic crises. The Panic of 1873, with the financial collapse of Jay Cooke & Company, and the Long Depression from 1873 to 1896, all produced a protracted downturn in economic activity in the United States, and in Europe too.

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<sup>517</sup> David E. Wilkins, *American Indian Politics*, 108.

At the time of America's "Gilded Age," a period marked by national uncertainties and anxieties, the Indian question was still unresolved, and now exogenous pressures and national difficulties further exacerbated the relations between the federal government and the Native tribes. To inflame the situation further, during the Civil War, some Native nations, writes Wilkins, were pulled into the conflict, for example: "some segments of the [Cherokee] nation actually signed a treaty with the Confederacy."<sup>518</sup> The Cherokee served in the Confederate Army of the Trans-Mississippi under Cherokee leader and Brigadier General Stand Waite, but they were not the only nation caught in the middle of the conflict.<sup>519</sup> Other nations and tribes were also affected, and many were cornered into taking sides. Among those that fought for the Confederacy were the Chickasaw, Choctaw, Creek, and Seminole nations.<sup>520</sup> Indian Americans were once again perceived with suspicion, bringing back feeling of betrayal from the War of 1812. In addition, "once the war ended the federal government forced the Cherokee leadership, in the Treaty of 1866, to cede additional lands and to allow right of way through their territory to the railroads."<sup>521</sup>

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<sup>518</sup> David E. Wilkins, *American Indian Politics*, 130.

<sup>519</sup> The U.S. National Archives and Records Administration, "Indian Companies: Volunteer Militias and Regiments," <http://www.archives.gov/research/native-americans/indian-companies-volunteer.html> (accessed November 4, 2014).

<sup>520</sup> It is also important to remember that many Indian Americans also served in the Union Army Indian Home Guard (The U.S. National Archives and Records Administration, "Indian Companies: Volunteer Militias and Regiments," <http://www.archives.gov/research/native-americans/indian-companies-volunteer.html> (accessed November 4, 2014)).

<sup>521</sup> David E. Wilkins, *American Indian Politics*, 130.

The 1870s therefore began with what Dippie calls a “venerable byword in American Indian affairs: ‘Civilize or die’.”<sup>522</sup> A “hard-line paternalism that interpreted the phrase ‘wards of the government’ [where] As barbarism was to civilization, so the barbarian was to the civilized man: child to parent, or more precisely guardian. The essence of paternal authority was firmness tempered with justice.”<sup>523</sup> With this in mind the tone was set and at all costs the Indian had to be brought within the realm of white society; even if this meant that “the tribes would have to perish so that the individual Indian might survive.”<sup>524</sup> One of the first steps in this direction is seen in the Indian Appropriation Act of March 3, 1871.

During the debate over the allocation of funds for Indian Affairs Congress added a provision declaring “That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.”<sup>525</sup> This provision is often seen as marking the end of Indian American sovereignty and, as found in Wilkins, the end of Indian claims on the national government: “Indians as a subject of congressional

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<sup>522</sup> Brian W. Dippie, *The Vanishing American*, 97.

<sup>523</sup> Brian W. Dippie, *The Vanishing American*, 97.

<sup>524</sup> Brian W. Dippie, *The Vanishing American*, 97.

<sup>525</sup> The provision continues by reassuring “That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.” (Abolition of Treaty Making found in the *Indian Appropriation Act of March 3, 1871, U.S. Statute at Large 16:566* (In Prucha, Francis Paul. Documents of United States Indian Policy. Lincoln: University of Nebraska Press, 1990), 136).

debate were moved from national agenda to an item on a committee agenda, and they were never again seen as having an important claim on the national government.”<sup>526</sup>

The Indian Appropriation Act thus changed the way white America perceived Indian America. The Act rearranged the legal standing of Indian Americans, as sovereign peoples, vis-à-vis the United States. As a non-sovereign entity Indian Americans were no longer contracting parties and no claims or demands could be enforced upon the sovereign United States. The Act’s provisions were put into force a few months later when in May 1871 the Supreme Court in *Cherokee Tobacco* 78 U.S. 616 (1870) declared that “any federal law enacted after March 3, 1871, could be interpreted as having overridden any prior treaty.”<sup>527</sup> This change in direction further weakened Indian American resistance to assimilation; something that the Dawes Act perfected in 1887.

The Indian American was to be placed in a controlled environment, that of the reservation. The reservation would in turn provide the right conditions where the Indian American would be exposed to white American civilization and “reprogrammed” to fit into the body politics of the nation. Reservations, writes Wilkins, were eventually seen as the “social laboratories for ‘civilizing’ the Indians [where the government] ‘shall place all the members of this race under strict reformatory control’.”<sup>528</sup> Behind this school of thought lies the contention that “the Indian mind was a *tabula rasa*, and Indian culture a compendium of erroneous ideas, superstitions, and practices to be willingly thrust aside

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<sup>526</sup> David E. Wilkins, *American Indian Politics*, 67.

<sup>527</sup> David E. Wilkins, *American Indian Politics*, 53.

<sup>528</sup> David E. Wilkins, *American Indian Politics*, 108.



under the light of civilization.”<sup>529</sup> In line with the America credo of the time, agriculture was the answer for this metamorphosis, as it had been in Sweden with the Sámi a century or more earlier, and education was the vehicle to achieve it. Another similarity of compatible conceptualizations of indigenous people across national boundaries and realities is the need to reform the indigenous “in line with White goals,” which can be found in both the United States and Sweden, as well as in other national contexts. For Berkhofer the “Native Americans must be *reformed* according to White criteria and their labor, lands, and souls put to ‘higher uses’ in line with White goals. The similarity of these goals over the centuries attests to the continuity of basic White values as well as the endurance of native cultures.”<sup>530</sup>

From Jefferson’s convictions of transforming the Indian into an American farmer, Indian Americans were to go from “Yesterday’s savage, today’s farmers, tomorrow’s citizens.”<sup>531</sup> What followed was a series of programs through government actions or missionary work to achieve just that. Most importantly, Dippie points out “the agricultural solution to the Indian problem was adopted precisely because it would break up existing tribal units. By the mere act of grasping the handles of the plow, the Indians would become civilized men and useful citizens.”<sup>532</sup> After all, writes Dippie citing J.

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<sup>529</sup> Brian W. Dippie, *The Vanishing American*, 98.

<sup>530</sup> Robert F. Berkhofer, *The White Man’s Indian*, 113.

<sup>531</sup> Brian W. Dippie, *The Vanishing American*, 108.

<sup>532</sup> Brian W. Dippie, *The Vanishing American*, 111.

Hector St. John de Crèvecoeur in 1782, “the American farmer is *the* American.”<sup>533</sup> More than a century had passed since Crèvecoeur and Jefferson, and other early “pioneers,” and yet the answer was sought in old predicaments. As for education, in 1886 congressman Byron M. Cutcheon from Michigan suggested a three-step solution where education was key: “First, self-support; secondly ownership of property and citizenship, and third, education; and now abide these three ... and the greatest of these is education.”<sup>534</sup>

There were several race educators experimenting with race-education following the Civil War. Some of the most noteworthy were: General Oliver O. Howard of Howard University in Washington, D.C. (1867); General Samuel C. Armstrong of Hampton Normal and Agricultural Institute in Hampton, Virginia (1868); and Captain Richard H. Pratt of Carlisle Indian Industrial School in Carlisle, Pennsylvania (1879). The latter is of most importance, as he became known as “Red Man’s Moses.” Pratt was, according to Dippie, a “true environmentalist in the Lockean sense,” who believed in Locke’s *tabula rasa* and saw segregation as the problem, and education the solution: “Education would be their salvation, and the success he achieved in a three-year span only confirmed him in the opinion that the final solution to America’s Indian problem was simple. Since assimilation was the government’s ultimate goal, all efforts should be directed toward preparing the Indians for civilization through education.”<sup>535</sup>

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<sup>533</sup> Brian W. Dippie, *The Vanishing American*, 107.

<sup>534</sup> Brian W. Dippie, *The Vanishing American*, 111.

<sup>535</sup> Brian W. Dippie, *The Vanishing American*, 113, 114, 117, 118. Through Pratt, Dippie continues, the Carlisle’s philosophy also encouraged a full immersion into white society. In fact, through a system of

Important to remember is that these theories of Lockean environmentalism and claims of reeducating and civilizing the Indian American were paralleled by theories of Social Darwinism and scientific racism, or “the biologization of history,” which, as it was happening in Sweden, equated “the cultural hierarchy ... under the idea of progress with the physical and mental difference popularly believed to exist among human groups [where] Polygenic ... explanation of human origins ... not from slow modifications wrought by varying rates of culture change or from contrasting environmental conditions but from innate differences among human beings existing from their original creation.”<sup>536</sup> With this in mind the 1800s were also filled by a certain level of racism that determined the cognitive understanding of the indigenous and saw the Indian American as a type of savage that “can neither be civilized or domesticated. The *Barbarous* races of America (excluding the Toltecs) although nearly as low in intellect as the Negro races, are essentially untameable.”<sup>537</sup>

Reservation and reeducation were the last push of the century. The 1800s were coming to an end, the Continental United States was now a *fait accompli*, and the nation was preparing to enter the twentieth century. The federal government spearheaded a policy through which the Indian Americans were to assimilate into the larger society and

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“outings Indian students were boarded with white families during the summer months, earning a small allowance and getting an introduction to civilization on a personal, workday basis. Such outings were, Pratt liked to say, ‘a way out’ – out of savagery and into civilization, since they ‘enforced participation, the supreme Americanizer.’” (Ibid., 117).

<sup>536</sup> Citations are from Robert F. Berkhofer, *The White Man’s Indian*, 56.

<sup>537</sup> Robert F. Berkhofer, *The White Man’s Indian*, 58.

by doing so the government was convinced to solve the “Indian question.” The goal of assimilation was to:

replacing the traditional communal economic base with a system of private property; intensified education, primarily through boarding schools; the regulation of every aspect of Indian social life, including marriage, dispute settlement, and religious practice; the granting of citizenship, thus further eroding any claim of a relationship between tribal membership and political affiliation; and finally allowing the Indian tribes to become self-governing by adopting constitutions ultimately subject to the approval of the U.S. government.<sup>538</sup>

This goal was to be achieved through the Dawes Allotment Act of 1887. Prior to this Act, however, Congress in 1875 extended the benefits of the Homestead Act of 1862 to “those adult Indians who had or willing to abandon their “tribal relations” and to take up life as a homesteader on the public domain.”<sup>539</sup>

Both acts were generally seen as a way to break tribal unity and tribal communal tradition: “The Indian will never be reclaimed till he ceases to be a communist ... He will be a vagabond and a pauper so long as he is not an individual proprietor and possessor, with a piece of land held by him in fee, with tokens of his own interest and ownership.”<sup>540</sup> For Franke Wilmer, the Allotment Act “not only allotted lands to

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<sup>538</sup> Franke Wilmer, *The Indigenous Voice in World Politics: Since Time Immemorial* (Newbury Park, Calif: Sage, 1993), 82.

<sup>539</sup> David E. Wilkins, *American Indian Politics*, 54. The Act came to be known as the Indian Homestead Act.

<sup>540</sup> Brian W. Dippie, *The Vanishing American*, 109. Amidst the scientific debates on the origins of the human race which were becoming popular in the 1820s – 1840s we find, writes Berkhofer, traces of Lockean environmentalism, where “the psychology of that era presumed mental processes a function of the environment [reinforcing] the tendency to an environmental interpretation of human diversity ... Indians therefore were products both of their social and physical environment in the confused mixture of character and circumstance that constituted environmental theory at the time, and their variation from other races must be explained by environmental factors and not by some inherently different nature due to separate creation as [Samuel Stanhope] Smith [stated].” (Robert F. Berkhofer, *The White Man’s Indian*, 40-41).

individual Indians but opened up “surplus” lands to white homesteaders.”<sup>541</sup> Similarly, the Act worked as an assimilation tool where allotted Indian Americans were no longer seen as Indian, but as Americans, as later discussed in Supreme Court in *Matter of Heff*, 197 U.S. 488 (1905).

If reservation and reeducation were seen as the last push of the nineteenth century, allotment and assimilation would bring the United States into the twentieth century. These policies were seen as the “one true answer” to the Indian question, catapulting the country into the a true “*Great and United American Nation;*” or as expressed by President Monroe in his inaugural speech in 1817 “one great family with a common interest [where] Discord does not belong to our system.”<sup>542</sup> Unfortunately, this utopian sense of national unity was ill-placed and well into the 1890s the United States was still contending with warring tribes in the west.

The final stroke of red tempera on the white canvas came with the Wounded Knee Massacre of December 29, 1890, near Wounded Knee Creek on the Lakota Pine Ridge Indian Reservation in South Dakota: “with Wounded Knee serving as a pathetic closing act, America’s Indian wars were over. They had provided the background to policy debate through the years, lending urgency to the humanitarian interest in the Indian by making extermination a frightening prospect ... At last the Indian everywhere was a ward in fact and in theory.”<sup>543</sup>

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<sup>541</sup> Franke Wilmer, *The Indigenous Voice in World Politics*, 82.

<sup>542</sup> Daniel W. Howe, *What Hath God Wrought*, 92.

<sup>543</sup> Brian W. Dippie, *The Vanishing American*, 148-149.

In the course of nearly fifty years of allotment many criticized it as been unsustainable, a pretext to land usurpation, and resulting in the displacement of Native tribes. In addition, many felt that allotment would be unsuccessful unless the “Indian character was to change first.”<sup>544</sup> So, once again, the search for the “one and true” answer to the American dilemma was still a puzzle, but the effects of allotment reverberated across the entire nation. The allotment policy writes Wilkins, was, in fact, “a mighty pulverizing engine to break up the tribal mass. By 1934, when it was finally stopped, 118 out of the 213 reservations had been allotted, resulting in the loss of nearly ninety million acres of tribal lands.”<sup>545</sup>

In the first decade of the twentieth century Indian policy was still far from reaching a permanent settlement of the Indian population. Allotment was not Americanizing the Indian as it was thought it would and as a result assimilation was generally a failure: “why we cannot absorb two hundred and fifty thousands Indians into our millions and never know where they are.”<sup>546</sup> Yet, by 1913, writes Dippie, the “supervisor of school for the United States Indian Service report that 78.3 percent of all Indian children were in school – 5,109 in mission schools, 26,028 in public schools, and 27,584 in the government’s 216 day schools, 74 reservation boarding schools, and 37 off-reservation boarding schools.”<sup>547</sup>

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<sup>544</sup> Brian W. Dippie, *The Vanishing American*, 168-169.

<sup>545</sup> David E. Wilkins, *American Indian Politics*, 111.

<sup>546</sup> Brian W. Dippie, *The Vanishing American*, 180.

<sup>547</sup> Brian W. Dippie, *The Vanishing American*, 186.

The question of Indian citizenship had been widely debated for almost a century when in the early decades of twentieth century the question resurfaced. In some circles extending citizenship rights to Indian Americans was seen as a final and true solution to the Indian Question: “The issue of Indian citizenship [which] was as old as the Republic.”<sup>548</sup> In 1905, the Supreme Court in *Matter of Heff*, 197 U.S. 488 (1905), declared that:

The contention of petitioner is that the act of January 30, 1897, is unconstitutional as applied to the sales of liquor to an Indian who has received an allotment and patent of land under the provisions of the act of February 8, 1887, because it is provided in said act that each and every Indian to whom allotments have been made shall be subject to the laws, both civil and criminal, of the State in which they may reside, and further that John Butler, having, as is admitted, received an allotment of land in severalty and his patent therefor under the provisions of the act of Congress of February 8, 1887, is no longer a ward of the Government, but a citizen of the United States and of the State of Kansas, and subject to the laws, both civil and criminal, of said State.<sup>549</sup>

In other words, this decision meant that “allotted” Indian Americans were automatically considered United States citizens. Congress was not convinced of this interpretation, however, and in 1906 the Burke Act “withheld federal citizenship from allotted Indians until the end of the twenty-five year trust period or until the allottees had received a fee patent to their lands from the secretary of interior.”<sup>550</sup> A decade later, in 1916, the Supreme Court in *United States v. Nice* further redefined the notions of Indian citizenship, if not further complicating the issue, and “enshrined in law the ambivalent

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<sup>548</sup> Brian W. Dippie, *The Vanishing American*, 192.

<sup>549</sup> United States. Report on Affairs in the Indian Territory, with Hearings. Hearings Before the United States Senate Select Committee To Investigate Matters Connected With Affairs in the Indian Territory, Fifty-Ninth Congress, Second Session, Report No. 5013 Part 2, Nov. 11, 1906, Jan. 9, 1907. Vol. 2 Part 2 of Hearings. Washington: U.S. G.P.O., 1907, 2107-2108.

<sup>550</sup> David E. Wilkins, *American Indian Politics*, 55.

TABLE 3: UNITED STATES INDIAN POLICY IN PERSPECTIVE.

Confederal Years (1775 – 1789)	New Federal Republic (1789 – 1812)	Assertive American Nationalism (1812 – 1870)	Reservization and Assimilation (1870 – 1920)
<p>1775 – Continental Congress calls on Indian tribes’ neutrality in future conflict with Britain. 1776 – Declaration of Independence labels Indian Americans as “Merciless Indian Savage.” 1778 – Treaty of Delaware Tribe opens the doors to Indian statehood. 1781 – Article of Confederation gives Congress jurisdiction over Indian affairs. 1783 – Treaty of Paris cedes all lands East of the Mississippi and South of the Great Lakes to the United States. 1784-1786 – United States Commissioners demand ceding of Indian lands from a number of tribes to the United States. 1787 – North West Ordinance regulates Indian-white trade and attempts to protect Natives from white’s encroachment. 1787 – Federalist No. 24 reminds of the “savage nature of Indian tribes.” 1789 – Federal Constitution grants the federal government exclusive powers over Indian Affairs.</p>	<p>1790 – Trade and Interaction Act reiterates federal exclusivity over Indian Affairs. 1794 – Fallen Timber marks defeat of Indian American forces and marks the end of native sovereignty. 1801-1809 – During Jefferson’s presidency the Indian question is to be resolved with the “dilution” of Indian blood (i.e., intermarriage) and by turning the Indian into an American yeoman farmer. 1812 – War with Britain permanently alters Indian-white relations; Indian Americans seen as “turn-coats.”</p>	<p>1815-1848 – Market capitalist reforms alter Indian American role in the economy. 1817-1825 – President Monroe Indian policy calls for a mixed approach of resettlement and assimilation. 1830 – Indian Removal Act sets in motion the removal of Indian Nations from United States territories. Under president Jackson, whom spearheaded Indian removal between 1836 and 1839, the removal of the Five Civilized Tribes took place. 1831 – Chief Justice Marshall, in <i>Cherokee Nation v. Georgia</i>, coins the term “Domestic Dependent Nation,” forever altering the status of Native nations. 1849 – Congress transfers Bureau of Indian Affairs to the Department of Interior. 1857 – In <i>Dread Scott v. Sandford</i> Indian Americans are still free and independent peoples belonging to foreign governments. 1870 – Senate Judiciary Committee finds that the 14<sup>th</sup> Amend. does not apply to tribal Indian, while detribalized Indians fell under federal jurisdiction. The Committee stopped short of declaring the latter citizens of the United States.</p>	<p>1871 – Indian Appropriation Act ends treaty making with Indian Americans. 1871 – Supreme Court <i>Cherokee Tobacco Case</i> declares that federal law could explicitly override Indian treaty rights. 1875 – “Indian Homestead Act” extends the benefits to Indians willing to abandon their tribal relations and to settle on the public domain. 1879 – Richard H. Pratt opens the Carlisle Indian Industrial School. Pratt sees segregation as the problem and education as the solution. 1887 – Dawes Allotment Act breaks tribal unity to traditions and land and lays the groundwork for assimilation. 1890 – Wounded Knee Massacre marks the end of Indian American wars against the United States. 1913 – Supervisor of Schools reports that 78.3% of all Indian children were in school. 1916 – <i>United States v. Nice</i> declares that Indian Americans are still citizens or their own nations and subjects/citizens of the United States. 1924 – Indian Citizenship Act grants citizenship status to Indian Americans born within the United States.</p>



status that Indians still have: they are citizens of their own nation and subjects/citizens of the United State.”<sup>551</sup>

A false sense of achievement came in 1924 when President Calvin Coolidge signed into law the Indian Citizenship Act “That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.”<sup>552</sup> Unfortunately, however, the real question still remained an unresolved problem and the displacement of Indian Americans is still an unfinished puzzle.

### *The White Man’s Indian*

Understanding the white conceptualization of the original inhabitants of the Western Hemisphere, argues Berkhofer, is to look at the “changing uses of the idea and imagery of the Indian.”<sup>553</sup> As mentioned above, “Native Americans were and are real, but the *Indian* was a White invention and still remains largely a White image.”<sup>554</sup>

We are all familiar with Christopher Columbus’ ambiguation of the name given to the autochthonous inhabitants of the “New World” where thinking he had reached Asia and not being aware of the encounter of new lands and new peoples: “*India* stood as a

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<sup>551</sup> David E. Wilkins, *American Indian Politics*, 55.

<sup>552</sup> *Indian Citizenship Act of June 2, 1924, U.S. Statute at Large 43:253* (In Prucha, Francis Paul. Documents of United States Indian Policy. Lincoln: University of Nebraska Press, 1990), 218.

<sup>553</sup> Robert F. Berkhofer, *The White Man’s Indian*, xiv.

<sup>554</sup> Robert F. Berkhofer, *The White Man’s Indian*, 3.

synonym for all of Asia east of the river Indus at the time and *Indies* was the broadest designation available for all of the area he claimed under royal patent ... the Spanish continued to employ *Indios* for all peoples of the New World.”<sup>555</sup> The Spanish nomenclature was later incorporated into other languages and the word *Indian* became the standardization of a collectivity inhabiting the western hemisphere. Not surprisingly then it is often a quoted conundrum of an Indian American, possibly a Nipmuc Native, when he asked John Eliot, one of the first English Christian missionaries in the New World “Why do you call us Indian?”<sup>556</sup>

There is much more to a name than its labeling properties. I agree with Berkhofer when he argues that through this centuries-long uncertainty of meaning, Natives have been perceived, interpreted, and understood as: “(1) generalizing from one tribe’s society and culture to all Indians, (2) conceiving of Indians in terms of their deficiencies according to White ideals rather than in terms of their own various cultures, and (3) using moral evaluation as description of Indians [where] Another persistent theme in White imagery is the tendency to describe Indian life in terms of its lack of White ways rather than being described positively from within the framework of the specific culture under consideration.”<sup>557</sup>

As found in Amft, with the case of the Sámi, the centuries long state dynamics and socio-cultural, political, and economic processes created what we now can call the

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<sup>555</sup> Robert F. Berkhofer, *The White Man’s Indian*, 5.

<sup>556</sup> Robert F. Berkhofer, *The White Man’s Indian*, 4.

<sup>557</sup> Robert F. Berkhofer, *The White Man’s Indian*, 25-26.

“Authentic Sámi,” so the “White Man’s Indian” is a re-creation based not only on colonial experience, but also on the coming into being of the new republic with its needs, goals, and aspirations as a nation. Race biology and the idealization, if not the ideologizing, of the noble and ignoble savage were “used to rationalize White American policies toward Indians.”<sup>558</sup>

The White Man’s Indian was also a product of a century-long policy to solve the perceived dilemma of the *Indian question*: “from the founding of the nation ... United States policy makers placed two considerations above all others in the nation’s relation with Native Americans as Indians: the extinction of native title in favor of White exploitation of native lands and resources and the transformation of native lifestyles into copies of approved White models.”<sup>559</sup> War, dispossessions, abuses, atrocities, enslavement, exclusions and reclusions, reservization, re-education, assimilation, and whitening all meant to re-create the Natives in a way or another to suits the needs of the greater American nation.

In his “natural state” the Indian was widely excluded from the American nation, because he was perceived as an alien and un-American.<sup>560</sup> This perception led to substituting the Indian for an American: “Therefore the principles of morality as well as expediency dictated, nay demanded, the ‘Americanization’ of the Indian and his lands, either through transforming the Native American into an approved White American

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<sup>558</sup> Robert F. Berkhofer, *The White Man’s Indian*, 59.

<sup>559</sup> Robert F. Berkhofer, *The White Man’s Indian*, 135.

<sup>560</sup> Robert F. Berkhofer, *The White Man’s Indian*, 139.

model or by placing White Americans upon former Indian lands. Either method substituted an ‘American’ for an ‘Indian,’ and eliminated the latter in favor for the former, on the territory claimed by the United States in international law.”<sup>561</sup>

James A. Clifton’s work has been categorized as a pseudo-scholarship “promoting a new and covert type of racism hiding under the academic regalia of American universities.”<sup>562</sup> Yet, let’s forbear for a moment the underlying nonsensical racist rhetoric of Clifton’s beliefs in an Indian conspiracy characterized by the production of an “influential network of information producers, image promoters, and opinion shakers” all responsible for the “embellishment and promulgation” of an Indian manufactured “dominant narrative structure” meant to inculcate a fictitious and “preferred image” of what an Indian ought to be, or “*The Invented Indian*” that creates “subplots and themes” to fit the ultimate goals of the “narrative’s protagonist, the Indian;”<sup>563</sup> in other words, something often found in Holocaust deniers’ propaganda. As such, taking Clifton’s work for what it is and for what it is not, one can still find a certain use especially if taken in piecemeal and used as a non-conformist approach to indigenous and Native identity formation.

Consequently, Clifton poses nonetheless interesting questions with regards to Indian identity. Since the 1830s, writes Clifton, the federal government has been responsible, through various policies, for the “termination” and the “determination” or

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<sup>561</sup> Robert F. Berkhofer, *The White Man’s Indian*, 136.

<sup>562</sup> Citation missing.

<sup>563</sup> James A. Clifton, *The Invented Indian: Cultural Fictions and Government Policies* (New Brunswick, N.J., U.S.A.: Transaction Publishers, 1990), 19.

“retribalization” of Native community across the nation (e.g., the Potawatomi, the Klamath, and the Menominee), followed by other policies meant to deal with the Indian question of the moment. In this context, Clifton believes, “termination” was meant as “political decolonization and social integration,” while policies of “sovereignty and self-determination” were meant as “political-social segregation and the perpetuation of economic-cultural dependency.”<sup>564</sup>

The importance of Clifton’s writing, however, is not found in his claims of Indian opportunism and convenience, rather if one reads passed this scenic simplicity, then it is possible to see the extent of what Clifton calls “the nature of Indian psychosocial identity and dependency.”<sup>565</sup> Whether taken from Clifton, or from another scholarly work, there is no denial that Indian American identity has been deeply influenced and affected by “their adapting to the American state’s civilization, removal, reservation, allotment, reorganization, claims payment, urban relocation, and termination.”<sup>566</sup> For instance:

The setting was always a rally, during the course of which someone would rise and give a, short speech. The words ran like this: “It’s, like yesterday I looked in the mirror and I was an Indian. Now I look in the mirror and I do not know what I am. That’s what termination did to me.” These were not simply the idiosyncratic sentiments of a few individuals: the audiences always seconded such declarations by acclamation. The facts of a powerful sense of identity dissolution were plain. To be really content with a legitimate sense of ethnic self, these individuals proclaimed, they had to have federal I.D. cards. I knew of no other ethnic group where social and personal identity was so hugely dependent on external governmental certification.<sup>567</sup>

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<sup>564</sup> James A. Clifton, *The Invented Indian*, 8-11.

<sup>565</sup> James A. Clifton, *The Invented Indian*, 10.

<sup>566</sup> James A. Clifton, *The Invented Indian*, 12.

<sup>567</sup> James A. Clifton, *The Invented Indian*, 10.

Is it plausible then to believe that Indians' sense of identity was, by and large, dependent on "external government certification?" Well, perhaps the objectification of identity in a government-issued identity card were just the desperate words of a people facing the tangible loss of their history, possessions, and sense of self; in other others, who they were, or their identity. Yet, this example is not unique and goes to show variations in indigenous identity and the way reflective and reflexive dynamics work in tandem to shape who we are.

Scholarly research into the individual and social identity construction from a psychosocial perspective is, nonetheless, a widely explored field of study. For instance, according to Joseph E. Trimble, and Robin A. LaDue, the implications of the 2009 termination of the Duwamish tribe as a federally recognized tribe meant: "How can youth develop any sense of stability and positive identity if the world is so unstable as to ignore both history and contemporary facts?"<sup>568</sup> Here, the psychosocial effects of termination are clear and so is the extent of the state in defining and determining the identity of Indian Americans; and hence, the sense of self.

The creation of a "white man's Indian" in the United States materialized with the re-creation of the indigenous into an *indigenous Other*. This final stage was achieved by remapping the indigenous into a white man's mold meant to incorporate him within the larger American nation. The several failed attempts through countless Indian policies attest to the repositioning of Indian American identity with respect to white culture.

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<sup>568</sup> Joseph E. Trimble and Robin A. LaDue. *Law and Social Identity*, 354.

In conclusion, the transformation of indigenous communities in Sweden and the United States varied in both degree and scope. Roger Kvist's article, paraphrased here below, show how these countries diverge and converge in the regulation, administration, and control of the native populations.

In the case of the United States, Kvist outlines two fundamental approaches to the "Indian question." First, writes Kvist, Indians were seen racially different, and, as such, the same laws could not be applied to Indian Americans as they were with other Europeans settlers. Second, the issue of whether native populations had the right to or owned land and water, created political and juridical problems for the United States. Consequently, by mid-1800s following the push west of the Mississippi, the state could not carry on similar policies toward the Natives as toward other Europeans and it was forced to shape and enforce a different set of Indian policies and set up a specific infrastructure to administer these policies.<sup>569</sup> A reservationist policy eventually spearheaded the handling of the "Indian question" and Indian reservations began to appear across the United States.<sup>570</sup> In the short-term this policy was intended as a relocation tool of Native populations and to limit the conflict between the expanding American nation and the Natives. The long-term belief was, however, that the Native populations would eventually be assimilated into the larger society.<sup>571</sup> Following the

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<sup>569</sup> Roger Kvist, "Assimilation eller segregation?", 300.

<sup>570</sup> Although displacement of Indian Americans from their ancestral lands begins in the colonial era, it escalates in the revolutionary years, and the really "big push" regarding reservations comes with the expansion to the West and the Treaty of Fort Laramie, in 1851, with the Plain Indians.

<sup>571</sup> Roger Kvist, "Assimilation eller segregation?", 300-301.

Civil War, according to Kvist, in 1869 president Grant set out to reform the Office of Indian Affairs (created as a division in 1824 within the War Department), through his so called Peace Policy by fighting corruption, by creating the Board of Indian Commissioners, and by involving various religious organizations in the managing of reservations. Churches and schools were to be set up and used in “civilizing,” meaning acculturating, the Indians and to pave the way for their full assimilation into the white society.<sup>572</sup>

In Sweden the situation was much different. The indigenous Sámi and other Scandinavian populations inhabited the same lands for millennia and interaction and possibly genetic hybridity was not uncommon. The Sámi, writes Kvist, were therefore not seen as aliens or exotic as the Indian Americans were perceived in the New World.<sup>573</sup> I have my reservations to Kvist’s interpretations, though. Although the Sámi show phenotypical and linguistic differences from their Nordic neighbors and are categorized as belonging to the North Eurasia Finno-Ugric populations, they do fall within the Europoid, and in some cases, Caucasian races. It would therefore be more accurate to say that the Sámi were perhaps seen as *less* alien and *less* exotic than their North American counterparts; but alien and exotic nonetheless.

State-Sámi relations began to shift in Sweden too by the 1800s. It is at this point that convergence in the perception and treatment of indigenous population occur in both Sweden and the United States. In fact, in line with the social, scientific, and philosophical

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<sup>572</sup> Roger Kvist, “Assimilation eller segregation?”, 302.

<sup>573</sup> Roger Kvist, “Assimilation eller segregation?”, 300.



changes brought by modernity, race biology began to surface, and in Sweden and the status of the Sámi began to change with it. Sweden's Sámi policy in the 1800s adjusted to the economic realities of the industrial revolution. The state turned highly patriarchal and began to see the Sámi as a weak minority in need of state protection. By the 1870s, writes Kvist, the timber industry became a new source of economic wealth in the north, resulting in an increase in the number of mills and an influx of non-Sámi workers. In a relatively short time, special regulations protecting the rights of Sámi and the settling of Lapland were slowly replaced by new taxation laws, eroding the Sámi special status. The census was introduced in 1866, in 1873 the general appropriation charter (*den allmänna bevillningsstadgan*), and by 1897 prohibition. In 1877 it was decided that Sámi schools had to accept non-Sámi children, forcing Swedish on local communities. At the same time, church services in Sámi were curbed. According to Kvist, the Sámi were to be assimilated primarily through language. By the late 1800s further pressure was placed on the Sámi. The differentiation that began in the 1600s between forest and mountain Sámi came to a conclusion with the Reindeer Act of 1886 and 1898 where Sámi ownership rights to land and water were circumvented. The new law defined who was to be considered Sámi (only those directly involved in reindeer husbandry), excluding forest and settled Sámi. In addition, private ownership was turned into a collective right. Kvist, quoting Magnus Mörner, argues that at this point the state was no longer prepared to recognize any Sámi right that would hinder the interests of the farming and timber

industries. Consequently, Sámi's political rights worsened, temporarily losing voting rights, which were eventually regained well into the early twentieth century.<sup>574</sup>

Sweden in the second half of the nineteenth century saw the increase need for natural resources, which fed directly into an emerging capitalist industrial economy. The Sámi were, thus, seen as a hindrance to national needs, resulting in the deterioration of customary policies meant to protect their rights and their pastoral livelihoods. Ultimately, Sámi indigenous identity was largely lost, blending with the larger society, or withered away through generational dilutions, or it simply retreated into the private and personal spheres.

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<sup>574</sup> Roger Kvist, "Assimilation eller segregation?", 306-307.

## CHAPTER FOUR: FINAL ANALYSIS

When looking at indigenous peoples we do not see autochthons with their multiple identities and subsistence methods, their sense of sparse territoriality and space, and of multiple territories and places. Instead, what we see are products of exogenous forces characterized by white man's conquests and colonizations. We see them through imagined communities, invented names, created identities, myths of magical and supernatural powers, of devil worshiping, of feathered savages, and of teepee-dwellers.<sup>575</sup> These constructions helped the Europeans come to terms with a previously unknown antithetical other. It also helped to redefine the visual, mental, and physical place of both the autochthon and the white, and consequently, they re-mapped each entity's identity, territoriality, and space.

The emergence of the modern territorial and industrial state, however, takes the construction further and extracts the autochthon from "nature's landscape." At this point, existing autonomous non-state space is erased and with it the ability of the indigenous peoples "to force whites onto the middle ground."<sup>576</sup> The state re-codifies, thus re-classifies, *indigeneity* and belongingness transforming the *exotic Other* into an *indigenous Other*. Consequently, the indigenous is trapped in a limbo between tradition and modernity.

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<sup>575</sup> Benedict R. Anderson O'Gorman, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991).

<sup>576</sup> Richard White, *The Middle Ground*, xv.

## The Concept of the *Exotic Other*

To help clarify the systematic series of processes that led to the re-creation of the *exotic* into an *indigenous Other* it is important to begin this analysis with a characterization of what may constitute the *exotic Other*.

The *exotic Other* becomes nothing more than a colonizer's construction, an entity created first through the fantastic imaginary of European contact with the unknown, and later through the institutionalization of cultural, economic, and political discourses.<sup>577</sup> The creation of the *Other* is, however, not new to Europeans at the dawn of their "oceanic discoveries." The first-hand experiences of early European travels to the East gave a glimpse into what were seen as exotic travels or travels to exotic places. It is, in fact, travel that first exposes Europeans to the exotic. It is through the experiences of the travel writer that Europeans first bear witness to the existence of the unknown or the *Other*.

According to Mary B. Campbell, the difference between travels in antiquity (for instance Greek and Roman traders to India) and those undertaken in the middle ages was that the former exposed the reader to the *Other* in a "second person" narrative, hence, lacking the agency of taking the reader into the traveling, consequently the creation of the *Other* in the reader's mind was not immediate. It is the first-person writings of later periods that plunge the reader into the unknown and therefore the *Other* materializes as a first-hand experience. First-person writings open a window into what could not otherwise be physically experienced. In this way the reader assimilates a notion of the unknown as

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<sup>577</sup> Edward W. Said, *Orientalism* (London: Penguin, 2003), 2.

seen through the eyes of the writer.<sup>578</sup> The writer, in other words, catapults the reader into the same journey traveled by the writer.

The unknown, writes Campbell, is identified as a contrast between the experienced, or known, and the unknown or the other.<sup>579</sup> This experience, directly or indirectly, thus provides “the ground for dynamic struggles between the powers of language and the facts of life.”<sup>580</sup> Power discourses, defined from both factual *and* fictional knowledge, eventually determine the relations between the Europeans and the *Other*.

The conquest of the Americas, on the other hand, exposes the Europeans not only to an *Other*, but to an *unknown* and a different *exotic Other*: “Spanish conquest of Mesoamerica ... is ... doubly exemplary, at once the most spectacular encounter in European history between self and exotic other, and ... the great transformation of the European world order, from medieval hierarchy to modern individualism, is manifested, even consummated.”<sup>581</sup>

The encounter between Europeans and the inhabitants of the Americas becomes an extraordinary event: “in that two continental groups, who had had no prior existence

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<sup>578</sup> Mary B. Campbell, *The Witness and the Other World Exotic European Travel Writing, 400-1600* (Ithaca: Cornell University Press, 1991), 5.

<sup>579</sup> Mary B. Campbell, *The Witness and the Other*, 3.

<sup>580</sup> Mary B. Campbell, *The Witness and the Other*, 3.

<sup>581</sup> Richard Handler, “Historical Narrative and Comparative Hermeneutics,” *Reviews in American History* Vol. 13, No. 1 (1985): 9.

of each other, came into sudden and violent contact.”<sup>582</sup> For Todorov, what makes this event more distinctive than any other history of discoveries, conquests, defeats, and colonization is its novelty and transforming effects: “it is in fact the conquest of America that heralds and establishes our present identity ... none is more suitable in order to mark the beginning of the modern era, than the year 1492, the year Columbus crosses the Atlantic Ocean. We are all the direct descendants of Columbus it is with him that our genealogy begins, insofar as the word beginning has a meaning.”<sup>583</sup> At this intersection, the “metaphysical” and affective state of consciousness in which Europe finds itself suddenly changes and Europe confront its existence in the face of *difference*: “the spatial and temporal copresence of subjects previously separated by geographic and historical disjunctures, and whose trajectories now intersect.”<sup>584</sup>

*Difference* becomes thus a central theme in the West’s experience with the new world. At the center of this experience we find a dissonant apprehension induced by an inability to fully comprehend what lied outside the cognitive realms of normality; treating difference “as a kind of degeneration of God’s original perfection [and] as a dangerous aberration from the norms of stability, safety, and order.”<sup>585</sup> Inayatullah and Blaney argue

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<sup>582</sup> Tzvetan Todorov, *The Conquest of America: The Question of the Other* (New York: Harper & Row, 1984), x.

<sup>583</sup> Tzvetan Todorov, *The Conquest of America*, 5.

<sup>584</sup> Naeem Inayatullah, and David L. Blaney *International Relations and the Problem of Difference* (New York: Routledge, 2004), 9.

<sup>585</sup> Naeem Inayatullah, and David L. Blaney *International Relations*, viii, 2.

that at the beginning of the “cultural experience” Europeans thought that a moral seclusion into Christian ethics would indefinitely secure their sanity and restore balance.

The cognitive and conscious vacuum in which the first encounters and exposures played out was soon replaced by discursive narratives characterized not only by the mundane and habitual experiences of conquistadors, clergy, and settlers, but also in the narratives that materialized in the intellectual circles of Europe: “Theory and practice [was] aimed to contain, domesticate, or destroy difference – to establish an empire of uniformity.”<sup>586</sup> The new world brought new sets of ethical questions that needed answers. These answers were sought and found in the discourse of normative ethics of the time: “moral and ethical self-characterizations are central to human existence, human beings live inescapably in a space of ethical questions.”<sup>587</sup> Here, the role of the theorist became instrumental not only in theory production but was also a product of those same mundane, habitual, and customary practices, and mores, of the time.<sup>588</sup> This “empire of uniformity” thus developed through the conditioning of historical realities. Knowledge

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<sup>586</sup> Naeem Inayatullah, and David L. Blaney *International Relations*, 2-3.

<sup>587</sup> Naeem Inayatullah, and David L. Blaney *International Relations*, 3-4.

<sup>588</sup> For instance, theorists like Bartolomé de las Casas, Juan Ginés de Sepúlveda, Francisco de Vitoria, Hugo Grotius, Emmerich de Vattel, and others. The role of the theorist in the construction of normative theories, which in turn influenced knowledge creation and power relations, is better explained through Sara Khan-Nisser’s article where she argues that “our normative ideas (including our ideas regarding identity, inclusion, and diversity) are constructed through a dialogue with tradition ... Whether we are aware of it or not, ideas that are “handed down” to us by previous generations constitute a powerful source of our contemporary ideas. Tradition constructs both our normative ideas on identity inclusion and diversity, and our experienced identity.” In other words, the “handed down” and the “traditional” translates into “heritage, ethics, knowledge, and experience.” This would thus provide one explanation of the reasons why difference and exclusion has resisted the passing of time. (Sara Kahn-Nisser, “Toward a Unity of Ethics and Practice: Interpreting Inclusion and Diversity,” *International Studies Review* Vol. 13, No. 33 (2011): 389). Similarly, for Inayatullah and Blaney, international theory is a “continuing conversation” with prior or alternative mappings of the ethical universe, including both scholarly and everyday accounts of the meaning of these practices (Naeem Inayatullah, and David L. Blaney *International Relations*, 4).

production became an important tool in the making, or creation, of the new *exotic Other* and the ensuing inception of an indigenous within these discursive narratives.

The psychological dichotomization between “domestic selves” and “exotic Others,” or “us versus them” becomes thus a mental state through which white-indigenous relations are framed. For Michael J. Shapiro, the way that individuals perceive reality and shape facts is defined as “constructed illusory practices where, on the one hand, facts do not necessarily speak for themselves, while on the other hand the real remains ... illusory.”<sup>589</sup> In this context, the dimensions of power and authority, or alternatively of superiority and inferiority, define a particular established system of customs. This system is based upon a sort of cognitive perception and understanding of what constitutes, the so called, “domestic selves” and the “exotic Others.” This mental imagery of reality is in turn used to justify the power relations defined as a pre-constructed notion of what *is* real or material existence (i.e., the “domestic selves” or power-holders) and the others’ non-material existence (i.e., the “exotic Others” or inferior group). These notions and actions receive firm legitimization through “a variety of “grammatical/rhetorical gestures.”<sup>590</sup> Thus, the construction of the exotic others helps their placement in a lesser moral space in contrast to the domestic self. Resulting in practices of authority and power where public opinion is then convinced of the righteousness of colonization through strategically constructed differentiations of what constitutes “us” (having a civil morality) and “them” (having an uncivil lesser morality).

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<sup>589</sup> Michael J. Shapiro, *The politics of representation: Writing practices in biography, photography, and policy analysis* (University of Wisconsin Press, 1988), ix.

<sup>590</sup> Michael J. Shapiro, *The politics of representation*, 99.



If language and discursive narratives give us conceptual understanding of the *exotic Other*, image formation provides us the perceptual depth of the *Other*. Castano et al. believe that “images of the Other are not a collection of unrelated traits, but rather a constellation of features that cluster together in meaningful ways [where] the image provides the key to interpreting the action.”<sup>591</sup> At this point, a mixture of language, imagery, and experience, shaped our perception of the *exotic Other* and formulated its function and conformity within what we consider modern and actual, opposed to traditional and passed.

In conclusion, the *exotic Other* is a creation of the mind. It is a product of experience, of dialogical and discursive narratives, and of fictitious or fictional knowledge and imagery. The *indigenous* becomes therefore an amalgamation of *exoticism*: relegated to the outside, the exogenous, the foreign, outside of society proper (to cannibalism, to the sub-human, to the unchristian, and to the untamed); of *indigenism*: relegated to the periphery, away from the urban and into nature, to landscapes, and to the wild; and of *otherness*: to the mystical world of the unknown (of unicorns, dragons, and spirits), of difference, outside the cognitive realms of normality and of western norms and mores. It is, in other words, the mirror image of what the civilized and the western are not.

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<sup>591</sup> Emanuele Castano, Simona Sacchi, and Peter Hays Gries, “The Perception of the Other in International Relations: Evidence for the Polarizing Effect of Entitativity,” *Political Psychology* Vol. 24, No. 3 (2003): 450.

### The Re-creation of the *Exotic* into an *Indigenous Other*

Since the start of European Exploration and Colonization both the autochthon and the white colonizer had to come to terms with their “alien Other.” In this “new world” autochthons became Natives, Indigenous, Indians, Lapps, or simply savages, while the sparse white explorer became the treacherous colonizer. The visual and mental imagery, that transformed these spatial representations, however, developed unevenly: “only whites changed. Indians disappeared. Whites conquered Indians and made them a sacrifice in a ... ‘regeneration through violence.’”<sup>592</sup> How did this “regeneration” or “re-creation” occur? Which processes and dynamics were capable of such transmutation? The answers, I believe, are to be found in the advent of the modern territorial and industrial state.

In British America, writes Calloway, pockets of “syncretic colonial life” emerged, showing cases of poly-Americanism and hybridity. This Indian-European creation, as in the case of the *pays d’en haut*, is a “middle ground,” or “the place in between: in between cultures, people and in between empire and the nonstate world of villages. It is a place where many North American subjects and allies of empires lived. It is the area between the historical foreground of European invasion and occupation and the background of Indian defeat and retreat.”<sup>593</sup> This *place* represents Yashar’s autonomous space where a weak colonial power prevented the monopolization, centralization, and standardization of their “sovereign possessions;” where its existence ““depended on the inability of both

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<sup>592</sup> Richard White, *The Middle Ground*, x.

<sup>593</sup> Richard White, *The Middle Ground*, x.

sides to gain their ends through force’, and thus it ‘involved a process of mutual invention’ through which each side tried to make sense of a radically alien Other.”<sup>594</sup>

*i) The End of “Double Movement”*

By the nineteenth century this poly-Americanism or “middle ground”, as explained through Karl Polanyi’s “*double movement*,” was slowly waning and was being replaced by rigid homogenizations and standardizations.

In Sweden, for instance, the Sámi were often able to steer Stockholm in preferred directions. For instance, the Sámi consented to fall under the jurisdiction of the king in exchange for protection “since time immemorial.” The establishment of this special relationship with the Crown granted the Sámi royal protection and a special status allowing them to directly address the king in dispute cases and hence compelling the king to take action on their behalf; for instance, the replacement of the bailiff in 1576 in Torne Lapland, or the removal of the *Nasafjäll* mine’s governor because of complaints and desertions caused by exploitation and harsh working conditions of the Sámi laborers. Other examples of reciprocity and indigenous agency is found in Lapland where Sámi slowly replaced commoners in local councils,<sup>595</sup> or in court proceedings where “the jury came to consist almost exclusively of Saamis in nearly all of the lappmarks [*sic*] [and where] In matters concerning land conflicts between villages, as when borders had been

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<sup>594</sup> Daniel K Richter, “Book Review: The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815,” *The William and Mary Quarterly* Vol. 49, No. 4 (1992): 715-716.

<sup>595</sup> Kaisa Korpijaakko-Labba, *Lappmannarättigheternas*, 19.

violated through illegal hunting, the courts invariably ruled according to traditional Saami law.”<sup>596</sup>

In the case of North America, Indian Americans were being Europeanized, while Europeans were being Indianized through the adoption of Native-style lives.<sup>597</sup> For instance, “‘White Indians’ ... found a place in Indian country and exercised considerable influence as culture brokers.”<sup>598</sup> In French North America, “the region around the Great Lakes ... called the *pays d’en haut* [was a world where] the older worlds of the Algonquians and of various Europeans overlapped.”<sup>599</sup>

Another example of reciprocity and interdependence in North America is found in George Hardwood Phillips’ study of California since Spanish colonial times. Here, the integration of indigenous populations within white society and economy was a double-edged sword. On the one hand, integration meant the social disintegration of indigenous communities. On the other hand, these “disintegrated” communities were reintegrated into local economies, making the indigenous both a “social victim and economic contributor.”<sup>600</sup> The indigenous went through a process of deconstruction and

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<sup>596</sup> Gunlög Fur, *Colonialism in the Margins*, 69.

<sup>597</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 15.

<sup>598</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 16.

<sup>599</sup> Richard White, *The Middle Ground*, x.

<sup>600</sup> George Hardwood Phillips, *Indians in Los Angeles, 1781-1875: Economic Integration, Social Disintegration* (In Nichols, Roger L. (Ed.) *The American Indian: Past and Present*. New York: McGraw-Hill, 1992), 163. Native populations had entered the “global economies” since colonial times. By the early 1800s, writes Daniel Walker Howe, “Native Americans show as much willingness as white people to participate in the market economy. Their aptitude for commerce gave rise to one of the fastest-growing ‘industries’ of the late eighteenth and early nineteenth centuries ... Enthusiasm for the fur trade prompted the most powerful tribes of the Great Plains to conclude a peace agreement with each other in 1840 so they

reconstruction where the social units and economic activities of indigenous communities changed, and with them, the make-up of being an Indian. In this socio-economic context converted Indian laborers (or neophytes) “acquired the skills of planning, tending, and harvesting grapes and manufacturing wine and distilled spirits. They also became masons, carpenters, plasterers, soapmakers, tanners, shoemakers, blacksmith, millers, bakers, cooks, brickmakers, cartmakers, weavers, spinners, saddlers, shepherds, and vaqueros. In short [they] became *the* skilled labour force.”<sup>601</sup> The Spanish, eventually, became dependent on this skilled labour force.

The erosion of these negotiated spaces and the disappearance of that intersecting “middle ground” or “syncretic life,” at the beginning of the nineteenth century, initiated a process of re-creation that turned the *exotic* into an *indigenous Other*. It is the breakdown of “accommodation and common meanings [that was responsible for] the re-creation of the Indians ... as other.”<sup>602</sup>

The re-creation of the *indigenous Other*, writes Richard White, begins when “Indians ceased to have the power to force whites onto the middle ground.”<sup>603</sup> This

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could concentrate on lucrative buffalo hunting instead of warfare.” (Daniel W. Howe, *What Hath God Wrought*, 48.)

<sup>601</sup> George Hardwood Phillips, *Indians in Los Angeles*, 164. Hardwood Phillips mentions that in the first Spanish Missions of the 1770s in California, Indians were categorized as converted Indians, called *neophytes*, and unconverted politically independent Indians, called *gentiles*. On the other hand, by the nineteenth century these categorizations, which also defined white-Native relations changed and in a 1830 census, “the census takers divided the Indians into two classes: Domesticated Indians (ex-neophytes who had once been attached to the missions) and Domesticated Heathens (gentiles who had never been converted or missionized).” (Ibid., 166).

<sup>602</sup> Richard White, *The Middle Ground*, x.

<sup>603</sup> Richard White, *The Middle Ground*, xv.

statement entails that the end of hybridity and syncretism begins when indigenous people lose the power of mediating and coopting state's actions.

In Sweden, for instance, the judicial reforms of the early 1700s removed the Sámi, and their traditions, from the judicial process. Furthermore, the Sámi special status was slowly waning, especially following the Treaty of Strömstad in 1751 and because of the new geopolitical and economic realities dictated by early nineteenth century; such as, the Finnish War of 1808-1809, the Treaty of Fredrikshamn of 1809, the Union of Sweden and Norway in 1814, and the various border disputes between Norway, Sweden, and Russia from 1852 onward.

In the case of the United States, as in Hardwood Phillips' California example, the disappearance of the "middle ground" resulted in the displacement of indigenous populations. For instance, one of the consequences of the failed land reforms, writes Hardwood Phillips, introduced by the Mexican government in 1833 was the misappropriation of land redistribution, which coupled with the secularization of various missions, resulted in a displacement of neophytes and

in the decade after secularization began, ex-neophytes replaced the gentiles as the town's Indian majority and the total number of Indian residents tripled. Because the [towns'] economic structure could not absorb such a dramatic increase in the work force, a large number of Indians remained perpetually unemployed ... Incidents of Indian drunkenness increased [councilmen authorized] to arrest all drunken Indians and assign them to work ... the authorization initiated a system of labor recruitment that steadily integrated Indians by force into the pueblo's economic structure.<sup>604</sup>

The transfer of California to the United States, in 1848 further disintegrated the socio-economic status of local Native Indians. For instance, Los Angeles, "became one of the

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<sup>604</sup> George Hardwood Phillips, *Indians in Los Angeles*, 167.

most volatile and lawless towns in the Far West ... Throughout the 1850s seldom a week went by without the local newspapers reporting incidents of Indian violence and crime ... In 1855 a local physician estimated that nine tenths of the town's Indians were infected with syphilis."<sup>605</sup> The increase in American migration further accelerated this socio-disintegration, which coupled with economic disenfranchisement, often resulted in fierce job competition among Natives and in vagrancy and public intoxication; two often criminalized activities or conditions. It is interesting, though, to see how local and state authorities dealt with this "public nuisance," which according to Hardwood Phillips, was to forcibly integrate "Indian residents into the pueblo's economic structure" by authorizing the arrest "on the complaint of any citizen, Indians caught begging, loitering, or 'leading an immoral or profligate course of life'." In turn, this system would supply free labor to local governments, or "when the city has no work in which to employ [the Natives] a number of prisoners will be auctioned off to the highest bidder for private service."<sup>606</sup>

Spatial positioning, whether in colonial or post-colonial contexts, is crucial for determining the level of inclusion and exclusions of *Otherness*. Using Lorenzo Veracini's work on settler colonialism, which situates the *Indigenous, Exogenous, and Abject Other* in relation to the dominant population, one can imagine the dynamics that took the

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<sup>605</sup> George Hardwood Phillips, *Indians in Los Angeles*, 169.

<sup>606</sup> George Hardwood Phillips, *Indians in Los Angeles*, 171. Hardwood Phillips adds, "Irrespective of their declining numbers, Indians continued to be jailed and auctioned off to private individuals throughout the 1860s. J. Ross Browne attested in 1864 that Indians were 'paid in native brandy every Saturday night, put in jail the next morning for getting drink, and bailed out on Monday to work out the fine imposed upon them by the local authorities.'" (Ibid., 173).

indigenous into a limbo of exclusion and marginalization. In the case of indigenous peoples, writes Veracini, “they are ambiguously located: they can be represented as ‘virtuous’ and dignified, or ‘debased’ and savage.”<sup>607</sup> This categorization is determined by the level of integration into settler’s society through assimilation or transformation.<sup>608</sup> Exogenous others, on the other hand, can “reside within the bounds of the settler entity ... They ... can be represented either as ‘virtuous’ or potentially so, or ‘debased’ and hopelessly so.”<sup>609</sup> The process of selection and level of inclusion of exogenous others, following a probationary period, dictates their positioning. Exogenous others go also through a process of assimilation into settler society; for instance, the whitening of Irish Catholics. Exogenous others can also be expelled or segregated from the settler entity if seen socially or politically undesirable.<sup>610</sup> Finally, abject others are “permanently excluded from the settler body politics and have lost their indigenous or exogenous status. These peoples are disconnected from their land and communities, are subject to segregative practices that are construed as enduring, and are principally characterised by restrained mobility ... Ongoing repression, of course, is one crucial element in the production of abject Otherness.”<sup>611</sup>

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<sup>607</sup> Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Houndmills, Basingstoke: Palgrave Macmillan, 2010), 24.

<sup>608</sup> Lorenzo Veracini, *Settler Colonialism*, 25.

<sup>609</sup> Lorenzo Veracini, *Settler Colonialism*, 26-27.

<sup>610</sup> Lorenzo Veracini, *Settler Colonialism*, 26-27.

<sup>611</sup> Lorenzo Veracini, *Settler Colonialism*, 27-28.



Using Vecarini's approach, the Sámi and Indian Americans prior to the end of double movement were, to varying degrees, situated along the *indigenous* line. With the end of hybridity, the indigenous first becomes an abject other (e.g., reservization and dispossession) and was later *accommodated* through assimilation policies into an *exogenous* other in order to fit in the modern industrial state-project.

*ii) Industrialism and Modernity*

The nineteenth century becomes pivotal in the re-creation of the *indigenous Other*. One of the causal relationships is found in the *Industrial Revolution*, which transformed the modern state into an industrial state. Industrialism brings along modernity, which in turn redefines the state into a nation-state with a modern society composed by the modern free individual, stirred by a capitalist economy and a bureaucratized surveillance state where all social activities are controlled and homogenized in accordance to a mechanized rationality.<sup>612</sup>

Modernity, according to Giddens, is part of the paradigmatic transformations occurring in the nineteenth century. It brought a dynamism that changed social relations and transformed human activity.<sup>613</sup> This is a restless dynamism, writes O'Brien, with "its ruthless undermining of tradition [seen as a] paradigmatically modern shift away from localised, face-to-face, forms of organisation of social life."<sup>614</sup> Modernity alters all that it

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<sup>612</sup> Anthony Giddens, *Modernity and Self-Identity*, 14-16.

<sup>613</sup> Anthony Giddens, *Modernity and Self-Identity*, 20.

<sup>614</sup> Ted Benton, *Radical politics – neither Left nor Right?*, 41. This, as found in Benedict Anderson's *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983).

was, from a socially ordered tradition, to a socially ordered condition where “the senses of inwardness, freedom, and individuality define the modern West.”<sup>615</sup> Custom and tradition were things of the past, relegated to natural landscapes and to the unscientific, non-schematic, and unpredictable and thus unsuited to state cohesion and uniformity.<sup>616</sup>

The monopolization of sovereignty, an already vital component of the modern state, becomes now a critical and intrinsic instrument for the modern industrial state. As sovereignty was redefining the monopoly of power, jurisdiction was also being relocated to the center, dislocating and eventually eliminating other actors claiming authority and power.<sup>617</sup> Traditional *foci* and *loci* of power and authority were vanishing and were being eliminated. In both Sweden and the United States any degree of sovereignty claimed by either Sámi or Indian Americans could no longer be tolerated. These sorts of *tangential power-struggles* in fact posed a heavier strain on state sovereignty as the contested space was not a matter of power sharing, but rather a matter of power dislocation and power holding and acquisition.

The modern industrial state becomes more than just the epitome of power; it comes to signify the expression of the nation as a whole: “mobilizing deeper and more demanding feelings and emotions to the extent that it serves a more inclusive and less artificial reality.”<sup>618</sup> The survival of the state now becomes paramount for the common

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<sup>615</sup> Charles Taylor, *Sources of the Self*, ix.

<sup>616</sup> James C. Scott, *Seeing Like a State*, 32.

<sup>617</sup> Hendrik Spruyt, *The Sovereign State*, 13.

<sup>618</sup> Gianfranco Poggi, *The Development of the Modern State*, 100-101.

good: “To weaken or to destroy the state was to threaten the future of the human race. Therefore a state was entitled to take any steps to ensure its own survival, even if those steps seems unjust or cruel.”<sup>619</sup> The nation becomes the focus of the modern industrial state. At times the *nation* is expressed in terms of nationalism seen as the aspiration of the modern industrial age symbolizing “an emotional attachment to one’s people;”<sup>620</sup> and not to be equated “with loyalty to the state.”<sup>621</sup>

In the case of the United States, nationalism needs to be interpreted as “a cultural claim rather than a political one where the primary objective of national movements is a desire to assure the existence and flourishing of a particular community to preserve its culture, tradition and language,”<sup>622</sup> or as found in Smith “sentiments and aspirations for its security and prosperity.”<sup>623</sup> The American nation thus becomes the focus, and the survival of the country hinged on the prosperity of the nation. Nationalism was thus powerfully displayed through expressions of “manifest destiny” and a rapid national expansion and growth, displacing not only other European powers, but also Indian American nations within and without its expanding frontier.<sup>624</sup>

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<sup>619</sup> Joseph R. Strayer, *On the Medieval*, 108.

<sup>620</sup> Walker Connor, “Beyond Reason: The Nature of the Ethnonational Bond,” *Ethnic and Racial Studies* Vol. 16, No. 3 (1993): 374.

<sup>621</sup> Walker Connor quoting Max Weber in Walker Connor, *Ethnonationalism*, 91.

<sup>622</sup> Yael Tamir, *Liberal Nationalism* (Princeton University Press, 1993), xiii.

<sup>623</sup> Anthony D. Smith, *National Identity*, 72.

<sup>624</sup> As argued by Theodore Macdonald, American nationalism should perhaps be seen as a sort of “civic nationalism [being] more benign than ethnic nationalism.” I fear, however, that this is too simplistic and it

Nationalism, in Sweden, on the other hand, is virtually absent. The evolution of the Swedish state and the consolidation of Sweden as a unitary kingdom, and its territorial expansion into the northern territories, was the result of internal rivalry and competition (the nobility) and external pressures (Denmark-Norway and Russia). As such by the time of industrialization, the irredentism and fervor of the modern industrial age had no consequential impact and Sweden did not experience an American “manifest destiny,” an Argentinean “Conquest of the Desert,” or a Chilean “southern destiny.”<sup>625</sup>

With industrialization and modernity we find the consolidation of capitalism as a new political, social and economic system. Capitalism, in contrast to feudalism, is a socio-economic system of production that uses roundabout methods of production; it is based on the private ownership of property and the means of production; and it is steered by market forces with minimum government intervention.<sup>626</sup> The early capitalism, or merchant capitalism, of the sixteenth and seventeenth centuries represented by markets, joint-stock companies, new banking practices and stock exchanges was slowly being replaced by the industrial capitalism of the nineteenth century.<sup>627</sup>

The amalgamation of capitalism and industrialism created the impetus of change that finally transformed traditional society into a modern industrial society. Thorsten

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has a tendency of obfuscating the nature and character of American nationalism. (David Maybury-Lewis, Theodore Macdonald, and Biorn Maybury-Lewis, *Manifest Destinies*, 3).

<sup>625</sup> David Maybury-Lewis, Theodore Macdonald, and Biorn Maybury-Lewis, *Manifest Destinies*, 2, 11.

<sup>626</sup> Donald Rutherford, *Dictionary of Economics* (London: Routledge, 1992), 59. Donald W. Moffat, *Economics Dictionary* (New York: Elsevier, 1984), 33.

<sup>627</sup> Rutherford adds, “Marxists have classified capitalism into different stages, namely agricultural capitalism, merchant capitalism, industrial capitalism and state capitalism.” (Donald Rutherford, *Dictionary of Economics*, 59).

Nybom and Rolf Torstendahl differentiate between classical industrial capitalism (*klassisk industrikapitalism*) of pre-1870 and organized industrial capitalism (*organiserade industrikapitalism*) of post-1870. Torstendahl defines organized capitalism as “an interaction between technology, division of labor, market structuring, and social conflict.”<sup>628</sup> *Organized capitalism* thus refers to what Chandler, Alfred D. and Takashi Hikino call modern industrial capitalism, which “played the most fundamental role in the transformation of Western economies. They had been rural, agrarian, and commercial; they became industrial and urban ... At the center of the transformation were the United States, Great Britain, and Germany, which accounted for just over two-thirds of the world’s industrial output in the 1870s.”<sup>629</sup>

The coming of the “second industrial revolution,” namely the Technological Revolution brought innovations in the steel (Bessemer steel), chemical (synthetic dye), petroleum (naphtha and lubricating oils, such as paraffin) and rubber industries (vulcanization of rubber, such as rubber tires), as well as in applied sciences (chemistry, thermodynamics, and electrification, such as fertilizers), transportations (steam engines and turbines, such as train and modern ship), and telecommunications (such as telegraph and telephone). Modern industrial capitalism, in the late nineteenth century, thus, cemented modernity and the modern industrial nation. With the social, political, and cultural displacement of Sámi and Indian American already underway, modern industrial capitalism landed the final blow to indigenous peoples making them into *superfluous*

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<sup>628</sup> Rolf Torstendahl, “Staten, samhället,” 504.

<sup>629</sup> Alfred D. Chandler, and Takashi Hikino, *Scale and Scope: The Dynamics of Industrial Capitalism* (Cambridge, Mass: Belknap Press, 1990), 3.

peoples impeding the bursting forth of the new era. Solutions were found in the “marketization of indigenous identity.” Namely:

identifying indigenous tribal organizations and communities of bands as corporate groups, they are better able to deliberately affect the legal and social transformation of indigenous organizations into actual corporate organizations, thus opening otherwise inalienable lands to market forces [Consequently,] self-government becomes self-management and consanguinity and affinity may devalue indigenous claims to kin relations with animals and places, as animism and totemism have not been dislodged, in our ‘modern’ perception, from their places at the lower, primitive end of an evolutionary scale.<sup>630</sup>

The adaptation, or “reformation,” of indigenous means of subsistence, commerce, and economies to fit into the state-project is well documented. In the cases of Sweden and the United States, the Sámi and Indian Americans, were largely amalgamated into existing domestic, regional, or global economic systems and networks. In Sweden, for instance, in the sixteenth century, the Sámi were incorporated into the Swedish-Hanseatic trade network by selling Sámi products onto Baltic markets.<sup>631</sup> Domestically too the Sámi economic activities and subsistence practices were changing with the changing economic needs of the kingdom and its imperial enterprise.

Consequently, the full incorporation of the Sámi into the Swedish economy essentially solved the “Sámi question” for the modern Swedish state. Furthermore, by differentiating between forest and mountain Sámi (where the Crown turned the former into an homesteaded farmer and the latter into a reindeer herder) aided in the gradual process of reduction and control of the Sámi populations. The introduction of the first Reindeer Grazing Act of 1886 (*SFS 1886-38 Lag angående de svenska lapparnes rätt till*

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<sup>630</sup> Bradley R. Howard, *Indigenous Peoples and the State*, 4-5.

<sup>631</sup> Gertrude Hanes, *Staten och lappmarken*, 112.

*renbete i Sverige*) began the legal “authentication” of the true Sámi. By the end of the century the Swedish modern industrial state had managed, borrowing from James C. Scott, to “scientifically” reinvent, regulate, administer, and control Sámi identity and the sense of self.

In the case of the British colonies, and subsequently, of the United States of America, we find a more complex environment that resulted in more haphazard attempts to place the Indian American into the greater American nation. The nature of the American system of government (colonial, confederal, and federal systems) did pose difficulties in the administration, regulation, and control of indigenous populations. Hence, the “scientific” ease with which Sweden dealt with the Sámi could not materialize on this side of the Atlantic.

The great-power politics of European colonial powers in the North America shifted traditional means of subsistence and trade of autochthonous populations. For instance, prior to European incorporation, writes Wilma A. Dunaway, “Cherokee settlements engaged in a communal-subsistence mode of production, organized around mixed hunting, fishing, gathering, and agricultural functions. Before guns were introduced, hunting and gathering were secondary to agriculture; and communal hunts were conducted only during the winter season. Articulation of the Cherokees with the European world system triggered far-reaching transformations in that traditional economy.”<sup>632</sup> In addition, “the commodification of land that accompanied dependency

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<sup>632</sup> Wilma A. Dunaway, *The First American Frontier*, 31-32.

upon capitalist trading,” was, according to Dunaway “the most dooming articulation.”<sup>633</sup> This was “dooming” because the commodification of land, necessary for a capitalist expansion, required the displacement of indigenous populations. In turn, once the land was cleared, land speculations became the corner stone of American (settler) capitalism. Without the restructuring of existing European feudalistic land tenures, however, market trading could not expand.<sup>634</sup> The agrarian settler capitalism of the early nineteenth century was gradually replaced by financial capitalism;<sup>635</sup> laying the bases for the modern industrial capitalism of the post-Civil War period. Consequently, the restructuring of Indian American economies that began in colonial America came to full maturation with their indirect incorporation, through land displacement, into the capitalist American economy of the nineteenth century. Dependency became a reality, and where once the “native and European economies intersected;” at the end of the century, only the latter survived.<sup>636</sup>

### *iii) Exploitation, Race Biology, and Eugenics*

As we have seen in chapter one, the development of nineteenth century biological racism was a complex interplay of scientific and social approaches to race, where “Nurture and

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<sup>633</sup> Wilma A. Dunaway, *The First American Frontier*, 46.

<sup>634</sup> Wilma A. Dunaway, *The First American Frontier*, 51-56.

<sup>635</sup> Wilma A. Dunaway, *The First American Frontier*, 84-86.

<sup>636</sup> Colin G. Calloway, *The American Revolution in Indian Country*, 12-13.



nature intertwined.”<sup>637</sup> England was at the centers of this scientific or pseudo-scientific research on race where pioneers like Francis Galton, named the father of eugenics, laid the ground for Social Darwinism.

Thus modernity brought more than just changes to society. Innovations in the natural sciences remapped race and racism, which were now scientifically justified and were gradually becoming embedded variables of policy-making. What this meant was that by the late nineteenth century race biology redefined race and consequently constructed a socially and historically defined notion of race that was to reclassify what it meant to be Sámi, or Indian American.<sup>638</sup>

The political discourse of the time meant to scientifically justify policies of dispossession, forced assimilation, and genocides. Discrimination based on views of indigenous people being savages and racially inferior contributed greatly to their displacement and annihilation. In the United States, for instance, the general attitude towards Indian Americans widely trivialized their existence, knowledge, and worth. For Teddy Roosevelt Indians were nothing more than squalid savages “and they could be severely treated by the bearers of civilization who came to take their lands, and if necessary, their lives too ... Such attitudes naturally bred others that were summed up in General Sheridan’s notorious comment that ‘The only good Indian is a dead Indian’.”<sup>639</sup> In Argentina, similar attitudes and policies of extermination provide yet another example:

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<sup>637</sup> Bruce R. Dain, *A Hideous Monster of the Mind*, vii.

<sup>638</sup> Bruce R. Dain, *A Hideous Monster of the Mind*, viii.

<sup>639</sup> David Maybury-Lewis, *Indigenous Peoples*, 12.

Argentina had its own southward push in the nineteenth century, similar to the westward push in the United States. It was launched by General Roca's famous campaign in 1879-80, known in Argentina as the Conquest of the Desert, which was expressly intended to annihilate the Indians of the pampas and to seize and redistribute their lands and their large herds of cattle. Roca justified his genocidal strategy when he wrote: 'Our self respect as a virile people obliges us to put down this handful of savages as soon as possible either by reason or by force, for they destroy our principle wealth and prevent us from occupying, definitively in the name of law, progress and our own security the richest and most fertile lands of the Republic'.<sup>640</sup>

Indigenous peoples were generally seen as obstacles in the achievement of nation's "manifest destiny" and the realization of the modern state. This ideological euphemism, that glorified the modern and scorned the traditional, was seen as a "mandate of heaven" justifying expansion and military aggression against indigenous peoples.

In the 1840s Anders Adolf Retzius, a Swedish anatomist, anthropologist, and professor at the prestigious medical university *Karolinska Institutet*, developed a method for measuring the human skull. Retzius "introduced an entirely new point of view to ... anthropology. He based his classification on the physical characteristics of the various races. The feature which he most emphasized and which he established as the fundamental basis of his classification is the cranial or cephalic index."<sup>641</sup>

With this method Retzius classified "crania in two groups: Those having an index of 75 or less he called dolichocephalic or long-headed, those whose index is above 75 he considered brachycephalic or round-headed."<sup>642</sup> Eventually, a value of positive (long), meaning superiority, and of negative (short), meaning inferiority, was attached to

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<sup>640</sup> David Maybury-Lewis, *Indigenous Peoples*, 3.

<sup>641</sup> Olof Larsell, "Anders Adolf Retzius (1796-1860)," Reprinted from: *Annals of Medical History* Vol. 6, No. 1 (1924): 15.

<sup>642</sup> Olof Larsell, "Anders Adolf Retzius (1796-1860)," 15.

Retzius' classification. In this context, Scandinavians and Germans were seen as having long cranial structures while others, such as Finns, Sámi, and Slavs had short cranial structures.<sup>643</sup> Although Retzius died in 1860, his work laid the grounds for a field of research that became known as craniology or craniometry.<sup>644</sup> Many continued in Retzius' footsteps and, according to Lennart Lundmark, Gustaf von Düben, professor of anatomy and physiology at the same institute as Retzius, continued researching Sámi skulls, measuring and cataloging them.<sup>645</sup> The reverberations of von Düben's research, writes Lundmark, were not felt until the early twentieth century in the midst of race-biology and eugenics' great debate of racial purity.

By the 1910s, for instance, Herman Lundborg, a physician at the *Karolinska Institutet*, appeared on the scientific scene and with him race-biology and eugenics, in Sweden, appeared too.<sup>646</sup> In 1911 he disputed that only those who had certain qualities such as the best physical, moral and intellectual properties should reproduce or regenerate the national race. To achieve this racial purity, Lundborg argued, it was important to

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<sup>643</sup> For instance, up to 1947 the Swedish Tourist Association's handbook on "The Swedish Mountain Sámi" mentioned that one of the racial characteristics of the Sámi is a brachycephalic skull. (Lennart Lundmark, "Vetenskap i rasimens tjänst: så fick skullmätning av samer vetenskaplig legitimitet," *Tvärnsnitt* Vol. 24, No. 2 (2002): 6).

<sup>644</sup> Lennart Lundmark, "Vetenskap i rasimens tjänst," 7.

<sup>645</sup> Lennart Lundmark, "Vetenskap i rasimens tjänst," 8.

<sup>646</sup> Lundborg was most likely influenced by Francis Galton's research and convictions on eugenics. Galton, an early pioneer of eugenics, has also been named the father of eugenics. As found in Gonzales et al., "Francis Galton ... developed a theory of fractional inheritance whereby every person was believed to receive one-half of their hereditary endowment from each parent, one-fourth from each grand-parent, and so on." Although, in the United States, race codes quantifying race on percentage of blood pre-date Galton's fractionalization. (Angela Gonzales, Judy Kertész and Gabrielle Tayac, "Eugenics as Indian Removal: Sociohistorical Processes and the De(con)struction of American Indians in the Southeast," *The Public Historian* Vol. 29, No. 3 (2007): 56).

study the best and the worst suitable racial properties. This search led to race-biology and to the study of genetic purity that would produce the best quality of Swedes. To this end, Lundborg, in 1913 began a three-year long research project to study the racial characteristics of Sámi and Finns in the northern territories. Following this initial study, Lundborg secured funding from the Diet to study the effects of miscegenation, while collecting images and measurements of Sámi and Finns. In 1918 he wrote that race mixing resulted in devastating effects such as a weaker immune system, increased egoism, and an uncontrolled lifestyle and criminality. Eventually, eugenics became the accepted scientific method to handle racial relations. In Sweden, as we have seen earlier, in 1921 the Diet approved the establishment of *The State Institute for Race Biology*. A decade later, eugenics gradually led to the introduction of sterilization policies affecting a variety of minority groups.<sup>647</sup> The sterilization laws of 1935 and 1941 were meant to prevent the reproduction of certain members of society. In addition, both laws allowed, in varying degrees, for compulsory or forced sterilization. These sterilization laws affected weak social groups such as vagrants (*tattare*), Sámi, Gypsies, and a variety of the mentally and physically ill. Sterilization law, according to the Swedish Government Official Report (SOU 2000:20), were performed in the following cases or categories: i) eugenics (race/race-hygiene); ii) social; and iii) medical.<sup>648</sup>

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<sup>647</sup> Lennart Lundmark, "Vetenskap i rasimens tjänst," 8-9.

<sup>648</sup> *Steriliseringsfrågan i Sverige 1935 - 1975 Historisk belysning - Kartläggning - Intervjuer (Slutbetänkande från 1997 års steriliseringsutredning)*. Statens offentliga utredningar, SOU 2000:20, March 2000, 15-17. Within the social group/eugenics categories we find in the report that between 1935 and 1975 of the 70,000 sterilizations performed between 600-800 were performed on vagrants. In addition, there seems to have also been cases of Sámi being listed as vagrants, and therefore showing cases of Sámi being sterilized (Ibid., 240).

The 1920s saw an escalation in race research in Sweden. The Sámi were among one of the studied groups and, in the process, they were at times exposed to public humiliation when forced to pose nude for photographs and public scientific hearing where they were compared against more “pure Scandinavian” examples. For instance, writes Lundmark, from 1922 to 1935 Lundborg undertook a series of expeditions to Lapland and the Jämtland and Härjedalen provinces, in the north. The research, apparently, consisted in photographing and measuring Sámi exemplars.<sup>649</sup>

The racial ranking of Sámi as being physically and morally inferior meant that Sámi culture and values were perceived paternalistically, while Sámi in general were seen as being “lazy and dumb,” and needed to be told what to do.<sup>650</sup>

Race-biology, eugenics, and sterilization legislations were not circumscribed to Sweden. On the contrary, several nations around the world introduced similar institutes, policies, and laws. The United States, Japan, Germany, Switzerland, Denmark, Norway, England, and Canada, are just a few examples. The United States, in fact, seems to have been one of the leaders in the field of eugenics in the 1920s. Consequently, and interestingly enough, many of these countries based their eugenic and public health programs on the United States model.

What differences were there between Sweden and the United States? In general race-biology and later eugenics had similar effects of precluding a certain portion of the population from entering the larger society because of their racial, social, or

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<sup>649</sup> Lennart Lundmark, “*Vetenskap i rasimens tjänst*,” 10.

<sup>650</sup> *Det blågula glashuset*, SOU 2005:56, 79, 98, 100-102.

physical/mental inferiority. In the United States, however, eugenics and public health programs had a quite different impact, not only on Blacks and Asians, but also on Indian Americans.<sup>651</sup> In fact, in the United States several states had in place anti-miscegenation laws prohibiting interracial marriages (several of them up to 1967), but most importantly, these laws redefined people's racial make-up and consequently redefined their identity.

According to Peggy Pascoe, in the United States, "miscegenation law is an ideal place to study both the legacy of nineteenth-century racialism and the emergence of modern racial ideologies. Miscegenation laws, in force from the 1660s through the 1960s, were among the longest lasting of American racial restriction."<sup>652</sup>

The complexity of race in the American social, political, and legal cultural came to determine American race relations. In particular, race-biology was used to scientifically promote and defend eugenics, by claiming public health concerns, and in the case of the United States in particular, anti-miscegenation laws were seen as one of the tools to protect racial purity. On the other hand, where race was not the issue, sterilizations laws prevented the socially, mentally, and physically undesirable from contaminating the race.

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<sup>651</sup> By the early twentieth century, miscegenation laws were so widespread that they formed a virtual road map to American legal conceptions of race. Laws that had originally prohibited marriages between whites and African Americans (and, very occasionally, American Indians) were extended to cover a much wider range of groups. Eventually, 12 states targeted American Indians, 14 Asian Americans (Chinese, Japanese, and Koreans), and 9 "Malays" (or Filipinos). In Arizona, the Kirby case was decided under categories first adopted in a 1901 law that prohibited whites from marrying "negroes, Mongolians or Indians"; in 1931, "Malays" and "Hindus" were added to this list. (Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of "Race" in Twentieth-Century America," *Journal of American History* Vol. 83, No. 1 (1996): 49). Although, Pascoe points out, that in several states, such as Virginia, a person with 1/16 or less of American Indian blood was deemed to be white. (Ibid., 59, and f.n. 38).

<sup>652</sup> Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of "Race," 48-49.

It is difficult to discern any sort of direct effects of American eugenics on Indian Americans. Angela Gonzales, Judy Kertész, and Gabrielle Tayac have argued that the impact of eugenics on Native Americans is still an under-researched field. On the other hand, the authors have examined “how eugenics-informed public policy and social attitudes during the first quarter of the twentieth century served to remove or [erase Native identity] from official records ... throughout the Southeast.”<sup>653</sup> What they uncovered is that in several states, such as Virginia, “American Indians were already genetically “tainted” by previous intermarriage with blacks, helped promulgate ... policies which made it illegal for people to identify officially as American Indians.”<sup>654</sup> Race codes, write Gonzales et al., essentially “quantified identity based upon a percentage of blood.”<sup>655</sup>

Blood quantum policies seemed to have played an important role in the “managing” of the Indian Question. In fact, we can assume that where other policies failed, the legal recalculation of Indianness provided the perfect tool to diminish and to control those that could claim Indian status. Consequently, modernity did not only bring innovation to the means of production. Modern science, as we have seen in Scott, also brought the mathematical tools allowing the modern state to scientifically re-map politics, economics, society (e.g., statistics), but also race and identity. For Gonzales et al., the

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<sup>653</sup> Angela Gonzales, Judy Kertész and Gabrielle Tayac, “Eugenics as Indian Removal,” 54.

<sup>654</sup> Angela Gonzales, Judy Kertész and Gabrielle Tayac, “Eugenics as Indian Removal,” 54.

<sup>655</sup> Angela Gonzales, Judy Kertész and Gabrielle Tayac, “Eugenics as Indian Removal,” 55.

“racialization of identity ... was a powerful and pervasive force that facilitated the dispossession and displacement of Native identity.”<sup>656</sup>

In both the Sámi and Indian American case, modernity re-mapped the respective identity of these indigenous groups primarily through the reclassification of what constituted belongingness. This reclassification was achieved through a legal redefinition or codification of Sáminess and Indianness either by reclassifying the means of livelihood or through the fractionalization of Indian blood. In both cases, whomever fell outside of these parameters was stripped of his/her indigenous identity and was forced to assimilate into the larger modern society.

I would like to add one final remark regarding the racialization of Sámi identity. In chapter three, Kvist is quoted saying that *the Sámi were not seen as aliens or exotic as the Indian Americans were perceived in the New World*.<sup>657</sup> As I mentioned, I do not agree with that assumption. My argument hinges on the fact that despite obvious phenotypical and linguistic differences between the Sámi and other Nordic populations (being often categorized as belonging to the North Eurasia Finno-Ugric races), some Sámi also fall within the Europoid, and in some cases, Caucasian races. What this racial similarity implies is that in some cases racial differences between Sámi and Swedes was absent. Yet, despite the existence of racial similarities, the modern reclassification of Sámi identity based on generalized racial markers made the Sámi perhaps *less* alien and *less*

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<sup>656</sup> Angela Gonzales, Judy Kertész and Gabrielle Tayac, “Eugenics as Indian Removal,” 56.

<sup>657</sup> Roger Kvist, “Assimilation eller segregation?”, 300. My italics.



exotic than their North American counterparts; but alien, exotic, and most importantly, not white nonetheless.

*iv) Exclusion, Marginalization, and Intra Limbus Patrum*

The capitalist industrial economy also transformed the politics of geography, which translates the environment into a state-space. The territorial integrity is redrawn and “internal and external borders” clearly delineate what is within and what is without; meaning, the level of inclusion and exclusion of groups or individuals within the state-project. For Agnew and Muscarà, the politics of geography delineate “the spaces of domination ... determines the centers and peripheries and articulates the spaces of production and consumption.”<sup>658</sup> For instance, the Lapp Codicil of 1751, the Indian Removal Act of 1830, or even *The Cherokee Nation vs. The State of Georgia*, (30 US 1 - Supreme Court 1831), all show, to varying degrees, this processes of politicizing territory and territoriality.

Territory and territoriality are no longer viewed as just containers of nations.<sup>659</sup> They assume a role of providing the fuel and markets for industrialism, and to delineate belongingness, and the centers of power. Clearly delineated boundaries (whether abstract or physical) become fundamental for the survival of the state and of the nation. So, the territorial nation-state is also the epicenter of extensive socio-political, economic,

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<sup>658</sup> John Agnew, and Luca Muscarà, *Making Political Geography*, 2.

<sup>659</sup> Neil Brenner, “Beyond State-Centrism? Space, Territoriality, and Geographical Scale in Globalization Studies,” *Theory and Society* Vol. 28, No. 1 (1999): 40.

cultural, and geographic transformations, which recreate entire populations; indigenous or otherwise.

Inclusion, exclusion, and marginalization is redefined by the place white and indigenous populations occupy within a social context, or *habitus*<sup>660</sup>: “Habitus is thus a sense of one’s (and others’) place and role in the world of one’s lived environment.”<sup>661</sup>

Spatial restructuring brought the contentions of state and indigenous peoples to the fore and problematized the existing spatial parameters of those relations.<sup>662</sup> The permeability of pre-modern, traditional, or even colonial territory with a more static sense of territoriality and space is replaced with an impermeable territory with a dynamic sense of territoriality and space. This dynamism is characterized by sets of “constitutive *social* dimensions, continually constructed, deconstructed, and reconstructed through an [*sic*] historically specific, multi-scalar dialectic.”<sup>663</sup> This characterization implied that human collectivity was being redefined in terms of “spatial markers, regardless of kin, tribal affiliation, or religious beliefs. Individuals are ... amorphous and undifferentiated entities who are given an identity simply by their location in a particular area.”<sup>664</sup>

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<sup>660</sup> From Latin *Habeo*, but understood as occupy, enclose, contain. Therefore the place we occupy.

<sup>661</sup> Jean Hillier, and Emma Rooksby (Ed.), *Habitus: A Sense of Place* (Aldershot: Ashgate. Second Edition, 2005), 21. As with Aboriginal women, in Fay Gale’s chapter, “Indigenous women in Australia have occupied a space both physically and socially different from that occupied by non-indigenous women and also different to a large degree from the changed habitus in which indigenous men find themselves.” (Fay Gale, *The Endurance of Aboriginal Women in Australia* (In Hillier, Jean, and Emma Rooksby (Ed.)). *Habitus: A Sense of Place*. Aldershot: Ashgate. Second Edition, 2005), 367).

<sup>662</sup> Neil Brenner, “Beyond State-Centrism?”, 40.

<sup>663</sup> Neil Brenner, “Beyond State-Centrism?”, 43.

<sup>664</sup> Hendrik Spruyt, *The Sovereign State*, 34-35.

In this “artificial” landscape the sense of self and of identity re-develops in an unchartered social cosmos. In fact, in traditional societies, writes Gauntlett, roles are preset from which identity is based. In post-traditional, however, societies “we have to work out our roles for ourselves.”<sup>665</sup> For Giddens, also quoted in Gauntlett, the shift from traditional to modern modes of the self and identity entail: “What to do? How to act? Who to be? These are focal questions for everyone living in circumstances of late modernity – and ones which, on some level or another, all of us answer, either discursively or through day-to-day social behaviour.”<sup>666</sup>

It is this unfamiliar impermeable and complex dynamism that is antithetical to Sámi or Indian American realities, because it requires the abandonment of *being* traditional. The magnitude of these events triggers the spatial dislocation of indigenous peoples in an *Intra Limbus patrum*,<sup>667</sup> or limbo. Rudolph Rýser calls this stasis. For Rýser this dislocation manifest itself in the exclusion of indigenous peoples from the larger social context and he found, in the case of Indian Americans, that “Indian nations and their territories remain politically outside the political structure of the United States of America.”<sup>668</sup> According to Rýser, in Canada, in Australia, in Mexico and in several other

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<sup>665</sup> David Gauntlett, *Media, Gender, and Identity: An Introduction* (London: Routledge, 2002), 97.

<sup>666</sup> Anthony Giddens, *Modernity and Self-Identity*, 70.

<sup>667</sup> *Limbus patrum*, or limbo of the fathers (or of the patriarchs), is a region on the border of hell or heaven, serving as the abode after death of the righteous who died before the coming of Christ.

<sup>668</sup> Rudolph C. Rýser, *Indigenous Nations and Modern States: The Political Emergence of Nations Challenging State Power* (New York: Routledge, 2012), 4. Rýser states that he looked into this question both historically and legally, in both primary and secondary sources and what he found was many “writers assumed Indian nations were part of the US, was that Indian nations had treaties that placed many (but not all) Indian nations under ‘the protection’ of the US government, but not one treaty ever directly or indirectly suggested Indian nations would be part of the United States.” (Ibid.).

countries a similar condition existed. Rýser concluded that indigenous peoples “had fallen into a kind of political stasis resulting from the colonial globalization that had begun in the early 15<sup>th</sup> century.”<sup>669</sup> I believe we are facing much more than just a “stasis” as expressed by Rýser. For instance, the Indian Appropriations Act of 1871 largely spelled out American perception of Indian Americans and its Indian policy for the future: “Indian peoples are neither foreign nations nor independent nations nor entities possessing a sovereign form of government capable of entering into treaties with the United States.”<sup>670</sup> In this context, Indian Americans had fallen into a political limbo, not a mere stasis.<sup>671</sup>

Displacement, however, is the result of two primary conjunctures. On the one hand, the territory once occupied by indigenous people becomes inaccessible, while the static space that once characterized indigenous identity and belongingness is now “amorphous and undifferentiated.” Hence, indigenous people are “unable” to enter the realm of the modern state, while they cannot go back to their state of belonging as that is gradually disappearing. On the other hand, the emergence of the modern state understood also as a product of exogenous forces pushes alternative contenders of power on the side.

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<sup>669</sup> Rudolph C. Rýser, *Indigenous Nations and Modern States*, 4.

<sup>670</sup> Bradley R. Howard, *Indigenous Peoples and the State: The Struggle for Native Rights* (DeKalb, Ill: Northern Illinois University Press, 2003), 56.

<sup>671</sup> Vine Deloria Jr. talks about another type of limbo faced by tribal communities in the United States, at least during the 1950s and 1960s, namely a legal limbo: “Even today Indian rights are stuck in a legalistic limbo from which there is apparently no escape. When a tribe tries to get its rights defined it is politely shunted aside. Some tribes have gone to the Supreme Court to seek relief against the United States by claiming a violation of their rights as wards. They have been told in return that they are not wards but ‘dependent domestic nations.’ And when other tribes have sought relief claiming that they are dependent domestic nations, they have been told they are ‘wards of the government.’” (Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto* ([New York, N.Y.]: Macmillan Company, 1969), 50).

Some of these contenders were more readily absorbed in the wake of its advancement, as in the case of cultural minorities, while in the case of indigenous peoples the ethnic, racial, and historical dissimilitude made them illegible to the modern state and therefore *un-absorbable*.

Exclusion was therefore based on difference. Modern constitutionalism, in all its forms, was framed in the very spirit of a single domestic cultural reality, or a community of like-minded. Similarity and uniformity, and not difference and diversity, were the norms and the exclusion of the *Other* was a necessity. Liberalism too was unsuited to accommodate the indigenous *Other*. As we can deduce from Razeen, liberalism's cardinal value of individual freedom understood as individual liberty was incompatible with the personalized individuality of, for instance, Indian individualism.<sup>672</sup> The reason being "aboriginal rights ... are often in conflict with the individualistic and universal values embedded within liberal-democratic societies."<sup>673</sup> Stephanson too shows the liberal democracy that spurred at the conclusion of the colonial period in America was incompatible with indigenous peoples: "The conceptual cleanliness of liberal, subsequently democratic, contractualism proved much worse for the indigenous peoples than the diversity of royal subjection."<sup>674</sup>

Difference and stratification of the Sámi or the Indian American is somehow associated with what Anthias calls normal and abnormal, civilized and savage, cultured

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<sup>672</sup> Vine Deloria, *God Is Red: A Native View of Religion* (Golden, Colo: Fulcrum Pub, 2003), 196-197.

<sup>673</sup> Augie Fleras, and Jean Leonard Elliott, *The "Nations Within"*, 221.

<sup>674</sup> Anders Stephanson, *An American Story?*, 35.

and uncultured: “the ‘Other’ becomes pathologised ... individuals who do not perform the ascribed roles in a satisfactory way also become pathologised.”<sup>675</sup> In this context, Sámi or Indian Americans were being categorized as “*dislike unit of actors.*” For instance, the Sámi were seen as uncivilized nomadic savages, while Indian Americans were simply un-American;<sup>676</sup> in other words they were both too *exotic* to fit into the larger society. Performance in this new socio-political, economic, and cultural setting becomes difficult and is often prejudicated by the dissonance between tradition and modernity. Indigenous peoples find themselves more and more at odds within the emerging modern social landscape. A landscape, that is eradicating tradition and replacing it with synthetic, or compounded, social webs processed by a mechanized human agency.

Identity and the self can no longer remain in the vacuum of history and Sámi and Indian American self-identification can no longer be the only viable form of identity. In the case of Sweden and United States, those who can claim indigenous belongingness is now regulated by the state and legislation redefine indigeneity. At least in the case of Sweden the re-codification of Sámi identity allowed the state to regulate the number of Sámi and as such solving, so to speak, the “Sámi question” by diminishing their numbers and by controlling and regulating their identity and livelihoods. In the case of the United States the fractionalization of Indian blood may have provided similar results.

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<sup>675</sup> Floya Anthias, *Theorising identity, difference, and social divisions*, 167.

<sup>676</sup> For Deloria “There is, in fact, something *un-American* about Indians for most whites.” (Vine Deloria, *Custer Died for Your Sins*, 4).

Furthermore, in Sweden there were two distinct processes of assimilation. On the one hand, the re-codified Sáminess involved a partial assimilation into a state-constructed meaning of what constituted an “Authentic Sámi.” On the other hand, those excluded Sámi went through the full force of Swedish assimilationist ideology reforming them into settlers and farmers, and in the process creating what Veracini called the “exogenous other.” In the case of the United States, the creation of these “exogenous others” was achieved with less success when compared to Sweden.

Finally, within the vortex of these transformative changes the identity of the indigenous adapts and transforms *vis-à-vis* the modern territorial and industrial state. The indigenous individual sense of self becomes an amalgam of kinship, self-identification, reflexivity, and reflectivity all within the larger modern non-indigenous society.

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In conclusion, the modern state becomes not only a symbol of integrity and uniformity; it becomes a kinless entity transcending traditional notions of power and autonomy. It replaces family and kinship and as such becomes the new plane upon which human life rests. The new state can no longer afford exogenous forces, tangential or axial contentions of power, to influence internal structures. At this junction indigenous populations had to be conceptually and materially integrated within the state to guarantee integrity and uniformity.<sup>677</sup> In this new milieu indigenous peoples were simply incompatible. Within this modern, statist, amorphous, territorially sovereign, and

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<sup>677</sup> In Tully we find support for this contention where “Sir Isaiah Berlin assembles reminder after reminder of how uniformity and unity dominate modern European political philosophy so thoroughly that diversity is scarcely ever even considered as anything but a threat to law and order.” (James Tully, *Strange Multiplicity*, 201).

industrial organization their *primordial* claims to tradition and their persisting claims of authority and sovereignty placed them in a collision course with modernity and the modern state. Contrary to other national minorities, which were claiming cultural or territorial-traditional ties, indigenous peoples were contending for the same sovereignty, powers, and authority as the modern state, thus making them unmalleable.<sup>678</sup>

The solution, conscious or not, came with the re-creation of the *indigenous Other*. Like in Genesis 1:27 “*The White Man re-created the indigenous Other in His own image, in the image of White Man he created him; noble and ignoble, civilized and uncivilized, assimilated and segregated He created him.*” This re-creation, or “regeneration through violence,” was expressed in terms of reservationization, assimilation, *blancamento* (or whitening), *forsvenskning* (or Swedization), Americanization, Europeanization, emancipation, etc.<sup>679</sup> These policies largely failed in their track and did not solve any of the indigenous questions experienced by white societies anywhere. In its stead, the

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<sup>678</sup> On the topic of ethnic or national minorities Spruyt states the following: “Ethnic movements have not essentially been at odds with the principles of territorial demarcation of rule and of final locus of authority in external affairs. What ethnic movements have changed is the chronological order of state and nation. European states claimed sovereignty and territoriality, although fully aware that they were hardly homogeneous ethnic units. Medieval France consisted of Aquitanians, Bretons, Normans, and other descendants of the great migrations at the end of the Roman Empire. It was centralized authority that installed vernacular French against translocal Latin. States made nations. Contemporary claims reverse that order. But as new sovereign, territorial units, they are not antithetical to the state system.” (Hendrik Spruyt, *The Sovereign State*, 192).

<sup>679</sup> Maybury-Lewis talks about how Brazil tried to deal with its Indian population. Brazil did not want to “eliminate the Indians physically as to abolish them socially. So in the 1970s Brazil’s official policy toward indigenous peoples became to ‘emancipate’ them ... The government made it clear that they were to be emancipated from being Indian. In fact the government put pressure on educated Indians to sign papers declaring themselves ‘emancipated’ and therefore no longer Indian. This would prevent them to take a political role as indigenous leaders and from receiving any of the protections guaranteed to Indians under Brazilian law.” (David Maybury-Lewis, *Indigenous Peoples*, 19).



outcome was the accommodation, or dislocation, of the *indigenous Other* into a socio-political and economic limbo.

## CHAPTER FIVE: CONCLUSIONS

This dissertation set out to investigate the processes and mechanisms first responsible for the creation of an indigenous identity, and second for the re-creation of that identity into what has, herein, been labeled the *indigenous Other*. The previous chapter has provided the theoretical answers to these inquiries and it has also outlined the analytical conclusions of this study. In the process, ample evidence has been given to support the proposition that European colonization and modern state's actions have played in the creation and re-creation of indigenous peoples and the *indigenous Other*. This final chapter, on the other hand, will be used to consider briefly the process of devolution, decentralization, and progress in future research.

Devolution, or the “rolling-back,” of the state in indigenous affairs needs to be looked at in light of the achievements that indigenous communities, in general, and the Sámi and Indian Americans in particular, attained in the past sixty years. The road has been arduous and the journey difficult, and yet, indigenous peoples seem to be better off today than they were a century ago. In general terms, although exceptions do exist, the various policies of extermination and assimilation have failed and indigenous peoples are not only still here, in the United States, Indian Americans are “the fastest growing segments of the population.”<sup>680</sup> In Latin American, instead, since the 1990s indigenous movements have turned into political parties solidifying not only their position within the political landscape, but also winning the popular vote in countries such as Bolivia and

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<sup>680</sup> Thomas D. Hall, and James Fenelon V, “The Futures of Indigenous Peoples: 9-11 and the Trajectory of Indigenous Survival and Resistance,” *Journal of World-Systems Research* Vol. 10, No. 1 (2004): 153.

Ecuador: “ethnopolit parties have won significant legislative or presidential victories in the Andean nations.”<sup>681</sup>

In the case of Sweden, although the lack of current demographics on the Sámi makes it difficult to identify any particular trend, in the past sixty years the Lapp was transformed back into a Sámi and as a group they have advanced culturally, economically, and also with limited political success.<sup>682</sup>

Fleras and Elliot have shown how indigenous peoples have been resilient and have been agents and not mere receivers of history:

Aboriginal peoples confront psychological disorientation and spiritual destruction as a result of sustained assimilation pressures that have in some cases involved relocation. Loss of culture and control over life have in some instances led to chronic problems over personal identity, group integrity, and social solidarity. To overcome the disabling effects of cultural, social, and psychological abuse, aboriginal peoples have taken steps towards radical reassessment of the past and progressive reappraisal of the present.<sup>683</sup>

Consequently, indigenous peoples have survived, with varying degrees have strived, and they are overall better represented, protected, and self-determined today than a century ago. Examples of this upward trend are many and here are just a few representative instances of it. Typically, changes began in the 1950s, with the 1960s and 1970s being years of particular impetus.<sup>684</sup> During these decades, indigenous peoples began a gradual

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<sup>681</sup> Raúl L. Madrid, “The Rise of Ethnopolitism in Latin America,” 475.

<sup>682</sup> Political success understood as solidifying a national political base and in establishing ethno-parties similar to those found, for instance, in Latin America.

<sup>683</sup> Augie Fleras, and Jean Leonard Elliott, *The “Nations Within”*, 5.

<sup>684</sup> U.S. Indian Wars notwithstanding, there are instances of indigenous reactions and resistance. By the end of the 1800s, writes Partik Lantto, the Sámi began mobilizing against not only the 1886 Act and the violation of their ancestral rights, but by the early 1900s they began to actively resist the redefinition of Sámi identity based on a nomadic reindeer grazing lifestyle. (Patrik Lantto, *Gränstängningar, tvångsförflyttningar*, 147-148).

process of reclaiming their indigeneity, and for some these were times of rediscovering or renewing their sense of belongingness. The transformative events of post-World War II, such as, social movements, decolonization, and protection of human rights fueled a sense of autonomy and self-reliance that ultimately led to significant changes in the status of indigenous peoples and to the politicization of indigeneity. For instance, changes were seen in the emergence of national organizations, such as the National Association of Swedish Sami in 1950 (*Svenska Samernas Riksförbund, SSR*), and the National Congress of American Indians in 1944; of activism and militancy, such as the American Indian Movement in 1968; of ethnonationalism, such as the Confederation of Indigenous Nationalities of Ecuador in 1986 (*La Confederación de Nacionalidades Indígenas del Ecuador, CONAIE*); of parties and political representation, such as the Australia's Indigenous Peoples Party in 1993, Pachakutik Plurinational Unity Movement in 1996 and represented in the Ecuadorian parliament; of political self-determination, such as the Sámi Parliament; and of economic independence, such as Hard Rock Café founded in 1971 and sold in 2007 to the Seminole Tribe of Florida.

Since the 1990s several countries began a process of decentralization and devolution; rolling back state-dependency and returning control (partial or otherwise) of indigenous lands. Countries like Ecuador, Nicaragua, Mexico, Canada, New Zealand, Norway, and Sweden have all implemented a variety of legislative changes either granting administrative control over cultural issues, or administrative control over indigenous lands, while some have gone further and granted both. Looking at New Zealand and Canada, however, Fleras and Elliot warn us “Devolution is suspected as a smokescreen that has nothing to do with aboriginal empowerment and everything to do

with denying aboriginal people the opportunity to exercise their rights as ‘nations within’.”<sup>685</sup>

The existence of a “smokescreen” is an interesting point, and Sweden’s Sámi Parliament seems to be a good example of such a “smokescreen.” From the Parliament’s web site one gathers that the organizational structure and work of the Sámi Parliament is nothing more than a state agency, with state oversight. Namely:

The Sami Parliament is both a publically-elected parliament and a State agency. The tasks of the Parliament are regulated by the Swedish Sami Parliament Act. The organization can be compared to the municipal organization. The Sami Parliament does not have power of taxation and cannot make laws. The main task of the Sami Parliament is to act for a living Sami culture. Sami culture includes even activities pertaining to Sami livelihoods. This means that the Sami Parliament can freely bring up and present proposals concerning all of the different questions that are of particular interest when it comes to a living Sami culture.<sup>686</sup>

The Sámi Parliament may be indicative of a still chronic state system that does not see indigenous rights, for what they are, *rights*, but as privileges granted to the Sámi by a benevolent state. This myopic attitude consequently defines the position of the Sámi in Sweden: i) the lack of Sámi representation in the Riksdag; ii) the still persistent status of the Sámi as “dependent peoples” regulated through a state agencies (for instance, first the Ministry of Agriculture (*Jordbruksdepartement*), which in 2011 was renamed the Ministry of Rural Affairs, but was dismantled in January 2015, and since then the Sámi now fall under the Ministry of Culture (*Kulturdepartementet*), while Reindeer Husbandry is now under the Ministry of Enterprise and Innovation (*Näringsdepartementet*)). This hint of deregulation seems more like over-regulation whereas the Sámi now need to

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<sup>685</sup> Augie Fleras, and Jean Leonard Elliott, *The “Nations Within”*, 224.

<sup>686</sup> The Sami Parliament, “Organization,” <http://www.sametinget.se/9690>, (accessed January 17, 2015).

contend with two ministries instead of one; iii) the refusal of Sweden to ratify ILO 169 (“a legally binding international instrument, which deals specifically with the rights of indigenous and tribal peoples”); and iv) the enactment of a “true” devolution granting Sámi control, or co-management, of their ancestral lands.

At the present time, the Sámi Parliament is nothing more than a “municipal organization” dressed-up in Sámi traditional clothing, which, on the one hand, is meant to attenuate indigenous claims without making any substantial concessions, and on the other hand, is meant to satisfying international demands by showing that actions towards its treaty obligations have been taken and that aboriginal rights are being respected, protected, and promoted.

Another area of concern is the protection of indigenous rights in the national courts. In countries, such as Canada, Norway, and Ecuador, and to a certain degree in the United States, courts have opened up to indigenous claims, hence, “reinforcing the legal ground for redefining aboriginal relations with the state.”<sup>687</sup> In Sweden, on the other hand, much work still needs to be done in this regard. The problem is not so much the issue of indigeneity. The problem is Sweden’s clinging to homogeneity and uniformity, hence, thwarting trends and social pressures that are pushing for heterogeneity and diversity. Swedish legal culture is also problematic and myopic where its animosity towards the use of courts in redressing tort is preventing the full protection of indigenous rights. Indicative of this condition is found in Sweden’s insistence that the burden of proof in matters of property and usufructuary rights disputes fall on the Sámi, while in

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<sup>687</sup> Augie Fleras, and Jean Leonard Elliott, *The “Nations Within”*, 119.

Norway, having achieved a more suited legal protection of indigenous land claims, the burden of proof falls on the non-indigenous party.<sup>688</sup>

A change of attitude must also occur in the academia and although the overall language of victimization and commiseration, typical of the 1990s, is gradually changing it is still a recurring theme.<sup>689</sup> The dichotomization of indigenous-white relations into victim-culprit presents us, in fact, with a problem. I believe that this characterization runs the risk of waning the analytical power of research, while hindering the possibility of deeper analysis and understanding.

Victimization is *per se* debilitating and demoralizing. There is no doubt about it, and indigenous peoples have been, and some still are, victims of terror, violence, genocide, dispossession, injustice, and other atrocious crimes. The constant victimization of indigenous peoples in academic writing, however, has the risk of leading to mental and visual commiseration that also indirectly leads to debilitating and demoralizing effects; as well as obfuscating and suffocating research. For instance, constant commiseration may preclude alternative approaches and may reinforce a sense of helplessness that negates the individual the capacity to act. In the case of indigenous peoples, intellectual, and “idiomatic,” commiseration creates an image of the incapable native lacking moral and

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<sup>688</sup> For example the Tax Lapp Mountain Case of 1981, where the Supreme Court, after fifteen years of arguments found in favor of the Swedish Government (Skattefjällsmålet, NJA 1981:1).

<sup>689</sup> One article in particular caught my attention. Asafa Jalata’s article “*Indigenous Peoples in the Capitalist World System: Researching, Knowing, and Promoting Social Justice*” (2011) is a good example of the ominous and apocalyptic literature victimizing the indigenous *in extremis*. In the article, for instance, indigenous peoples were victims of terrorism or being terrorized 125 times, were genocided 52 times, were victims of extermination or being exterminated 19 times, exploited 10 times, and being victims of injustices 9 times.

social agency, hence, the capacity to perform as a productive individual. For example, this inadequacy has often reinforced an image of the helpless, and poor savage, such as Tonto, the traveling companion of the Lone Ranger: “Tonto was everything that the white man had always wanted the Indian to be ... Like the Negro butler and the Oriental gardener, Tonto represented a silent subservient subspecies of Anglo-Saxon.”<sup>690</sup>

Indigenous research, thus, needs to break from its monolithic past, and cast away mono-disciplinary and myopic approaches that still dominate the field, and embark on an adventurous exploration of uncharted analytical boundaries. Hopefully, in the course of these new explorations new analytical road maps may be drawn showing how, for instance, “dependent domestic nations” can be turned into “independent domestic nations,” or how the *Question* is no longer Indian or Sámi, but rather a “State Question.” So, what is the state to do? Neither entity can be withered away. The answer must, thus, be sought elsewhere, away from commiseration and into new examinations.

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<sup>690</sup> Vine Deloria, *Custer Died for Your Sins*, 200.



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## PUBLICATIONS AND PRESENTATIONS

Zini, Luca. 2010. "Book Review: Roitman, Karem; Race, Ethnicity, and Power in Ecuador: The Manipulation of Mestizaje. Boulder & London: FirstForum Press, 2009." *FLACSO Revista Latinoamericana de Politica Comparada* Vol. 3, pp. 167-169.

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