

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Great Plains Quarterly

Great Plains Studies, Center for

Winter 1999

Review of *Readings in American Indian Law: Recalling the Rhythm of Survival* Edited by Jo Carrillo

Bruce E. Johansen

University of Nebraska at Omaha

Follow this and additional works at: <https://digitalcommons.unl.edu/greatplainsquarterly>



Part of the [Other International and Area Studies Commons](#)

Johansen, Bruce E., "Review of *Readings in American Indian Law: Recalling the Rhythm of Survival* Edited by Jo Carrillo" (1999). *Great Plains Quarterly*. 1606.

<https://digitalcommons.unl.edu/greatplainsquarterly/1606>

This Article is brought to you for free and open access by the Great Plains Studies, Center for at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Great Plains Quarterly by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Readings in American Indian Law: Recalling the Rhythm of Survival. Edited by Jo Carrillo. Philadelphia: Temple University Press, 1998. Books cited, index. xiii + 353 pp. \$69.95 cloth, \$29.95 paper.

In most law school curricula, the study of "American Indian law" concentrates on cases involving Native Americans in United States courts and usually has little to do with the systems Native Americans used to govern interpersonal relations before they began to interact with their conqueror's courts. This anthology of readings attempts, in the words of its jacket copy, to "expand doctrinal discussions into understandings of culture, strategy, history, identity, and hopes for the future . . . [with] an array of alternative paradigms as strong antidotes to our usual conceptions of federal Indian law."

The book fulfills part of that bold promise. Contributors, who include Felix S. Cohen, Sherman Alexie, Vine Deloria Jr., Rayna Green, Robert A. Williams Jr., Wilma Mankiller, and two dozen others, do an able job of integrating culture, history, and the politics of identity into the case law of the legal venues on which this volume concentrates. The book's table of contents include "Identity," "Land Claims and Reparations," "Land, Culture, History," "Reparation of Cultural Property," "Tribal Governance/Gender," and "Religious Expression."

Readings offers a long-overdue injection of historical and cultural flavor into what is usually a dry and restrictive legal discourse fashioned to the requirements of federal courts. One can hardly imagine a legal education without case law, but context also needs teaching. Lawyers, especially non-Natives, must go into the field knowing history and culture as well as case law.

While this anthology is a laudable effort, it is only a start. Why are more students of American Indian law not taught how Native American peoples solved disputes before they were incorporated into the legal systems of European colonizers and eventually the United States? One fascinating example is the Haudenosaunee (Iroquois) federal confederacy, which is not examined in this volume. The book develops women's legal and political roles admirably but incompletely. The Iroquois' matrilineal system is mentioned in passing but never developed as a political and legal entity. Likewise, the pre-contact legal and political systems of many Native nations should be described in legal texts and studied in law schools.

The number of lawyers employed by Native American nations, tribes, and advocacy organizations has grown ten-fold during the last twenty years, according to John Mohawk, who teaches Native American Studies at the State University of New York at Buffalo. *Readings in American Indian Law* is an important initial step toward filling some of the many "blind spots" of contemporary legal education

for the growing number of people employed to litigate Indian legal interests. One hopes it will serve as an initial model for more comprehensive treatments of Native American history and cultures in a legal context.

BRUCE E. JOHANSEN
Communication and
Native American Studies
University of Nebraska at Omaha