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Review of *Black Hills/White Justice: The Sioux Nation  
Versus the United States, 1775 to the Present* by Edward  
Lazarus

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**Black Hills/White Justice: The Sioux Nation Versus the United States, 1775 to the Present.** Edward Lazarus. New York, NY: Harper Collins Publishers, 1991. xxiv + 486 pp. Maps, photographs, chronology, appendices, bibliographic notes, index. \$27.50 cloth.

For observers following the Sioux Nation's legal and legislative struggles over Black Hills land claims, historical contextualization has been stunningly incomplete. The reader can find numerous detailed accounts of nineteenth-century military conflict, the Treaties of 1851 and 1868, and the Agreement of 1877. The political rhetoric that followed the 1980 Supreme Court decision ending America's longest running legal battle makes up an equally voluminous body of material. Between the two points lies a poorly illuminated century of legal maneuvering and Sioux activism and cultural change.

Informed by a legal education and the insights of social history, Edward Lazarus has sifted through the briefs and opinions to cast a bright light on the judicial maneuvers that unfolded during the dim decades of the mid-twentieth century. But the book offers more than a straightforward legal history. As its title implies, *Black Hills/White Justice* contains a series of twinned narratives in which different worlds collide in both misunderstanding and symbiotic interaction. The intertwined stories of native people and non-Indians, "traditionals" and "progressives," personable bumbler and cold legal craftsmen weave a compelling and disturbing fabric around larger distinctions between moral justice and rational law and, in the end, between Lakota and American societies.

One of the central narratives, for example, outlines the differences between the author's father (Arthur Lazarus, Jr., the attorney who salvaged the Black Hills case and guided it to a successful conclusion) and the original attorney, Ralph Case, who for almost forty years had been pursuing a moral and historical argument that consistently failed in court. Case's continued rapport with the Sioux people derived, in part, from the cultural congruence between his "representation" (the word has a wonderful double meaning here) of the Lakota and their own understanding of the lawsuit as a moral and historical issue.

*Black Hills/White Justice* makes it clear why law has perhaps been less disturbed than history by postmodern "chicken or egg" questions about the relative primacy of "reality" and "representation." Legal precedents narrow an attorney's choices, force the adoption of pragmatic strategy over moral argument, and emphasize technique, mechanics, and "representation" at the expense of more abstract, but equally "real" ideas of truth and justice. The differences between the Sioux desire for "justice" and the legalities finally required to achieve a "settlement" define the book's balanced narratives: Case/Lazarus,

Justice/Law, Lakota/America. It is therefore disappointing that Lazarus concludes by rejecting Sioux land restoration advocates as naive absolutists with no comprehension of American politics. This characterization may or may not be true, but with his dismissal, Lazarus aligns himself firmly with the pragmatic and the politic, abandoning the equilibrium maintained throughout the book and contributing to the cultural distinctions it has revealed.

Nevertheless, *Black Hills/White Justice* is a valuable contribution, a clearly written book that deserves reading on at least two levels. It reveals the complicated mechanics behind the Sioux legal victory (although the account is somewhat compromised by the use of vague bibliographic notes rather than specific citations). At the same time, it offers both as an historical recounting and as a text in its own right a set of studies in differing cultural perceptions of law and justice. Either aspect would be enough to make the book a valuable addition to one's shelves. **Philip Deloria**, *Department of History, Yale University*.