
Cheryl Suzack. *Indigenous Women's Writing and the Cultural Study of Law*. Toronto: University of Toronto Press, 2017. 208 pp. ISBN: 978-1442628588.

<https://utorontopress.com/us/indigenous-women-s-writing-and-the-cultural-study-of-law-2>.

As an Indigenous attorney, I work within the boundaries of the law. Even when crafting unique and novel legal arguments, I am still situated in the dominant society's discourse about law, rights, and governance. The principles of precedent and *stare decisis* still hold great weight in the approach of the legal profession to social problems. Thus, I am challenged and intrigued by Cheryl Suzack's *Indigenous Women's Writing and the Cultural Study of Law*. Suzack's approach to legal principles and indigenous feminisms offers liberating and forward-thinking approach to justice for Native women. By exploring how Indigenous women articulate conceptions of justice in storytelling, Suzack transcends the typical critiques of anti-Indian jurisprudence and offers a fresh perspective on landmark judicial decisions. As such, her project touches on a wide variety of academic disciplines and activist communities. This monograph should be required reading for anyone interested in gender and law.

As Suzack explains in Chapter 2, "Literary texts question legal appropriations by articulating the gender injustice that follows from legal reasoning..." (49). Thus, Suzack uses literary analysis to present cogent critiques of four cases. Suzack's project is divided into four main chapters, each with a focus on one court case and a corresponding novel authored by an indigenous woman. By juxtaposing the judicial decision-making with the fictional texts, Suzack offers novel ways to critique the judicial decision that often aren't part of typical legal critique. The pairings and alignments are illuminating. Even those already intimately familiar with the cases will find themselves challenged to re-think their common assumptions.

In Chapter 1, *Gendering the Politics of Tribal Sovereignty*, Suzack tackles one of the thorniest United States Indian law cases of the 20th century – *Santa Clara Pueblo v. Martinez* (1978). The *Martinez* case is widely celebrated as a victory for tribal nations in the United States, because it articulated a clear principle of tribal sovereignty and preserved the right of tribal nations to make citizenship decisions without federal interference. For many Native women, however, the substantive result of the decision is devastating. Julia Martinez was a citizen of the Santa Clara Pueblo who challenged the Pueblo's patrilineal rules for citizenship. Her children, fathered by her Navajo husband, were denied citizenship in the Pueblo because they did not have a Santa Clara father. In her appeal to the U.S. Supreme Court, Martinez argued that the Pueblo citizenship law violated her (and her children's) constitutional rights to due process and equal protection. The Supreme Court rejected her arguments, holding that tribal nations cannot be sued in federal court for alleged violations of the Indian Civil Rights Act. The Court also noted that issues such as "tribal custom and tradition" (e.g. citizenship laws) should fall under the exclusive purview of tribal nations. In many Federal Indian law texts, this case is represented as a rare "victory" for tribal nations and that concludes the story. Suzack, through her critical reading of Leslie Marmon Silko's 1977 novel *Ceremony*, problematizes the outcome of the *Martinez* case through the lens of a "dignity-based consciousness" (21) for Indigenous women. Because the *Martinez* decision prioritizes tribal sovereignty over gender discrimination, many Native women's voices on the outcome have largely been silenced. A major theme in Silko's *Ceremony* concerns the "legally enforced social disability" (36) of Native women. Silko's novel

beautifully articulates how the disenfranchisement of Indigenous women presents a direct threat to the existence of tribal nations. By exploring Silko's prose, Suzack is able to push back against dominant narrative that *Martinez* was the correct result because it purported to protect tribal sovereignty. Suzack challenges us to understand *Martinez* as a case that failed Native women which, in turn, has significant implications for tribal survivance. This insight encourages the reader to think critically about the interconnection between Native women and tribal sovereignty. Instead of adopting the mainstream "tribal sovereignty above all else" discourse, Suzack skillfully argues that recognition of Native women is not something to be sacrificed on the federal altar. In doing so, she encourages the reader to remember that recognition and dignity of Native women is the foundation of tribal sovereignty and self-determination.

Chapter Two, *The Legal Silencing of Indigenous Women*, considers the decision of *Racine v. Woods*, a Canadian case, alongside Beatrice Culleton Mosioner's fictional autobiography, *In Search of April Raintree*, both published in 1983. *Racine v. Woods* is a troubling case about child custody, in which an Indigenous woman, Linda Jean Woods, permanently lost custody of her seven-year-old daughter in part because of perceptions of Woods' "bad choices" and "false consciousness." *Racine v. Woods* represents a disconcerting approach to tribal custody decisions because the Canadian Court elevated the abstract "best interests of the child" over the fundamental importance of raising Indigenous children within Indigenous communities. Mosioner's autobiographical character, April, likewise suffers through several of the common tribulations of Indigenous women and girls – including out-adoption, foster care and sexual assault. Suzack draws parallels between April and the litigant Linda Jean Woods, exploring how the Western legal system simultaneously exploits and dismisses their testimonies as Indigenous women. For both Woods and April, Western courts "create the conditions of social segregation" by cruelly separating families and denying the collective rights of Indigenous women. Suzack's masterful treatment of this topic illustrates the ways that colonial violence continues to be ubiquitous in the courts of the conqueror.

Chapter Three, *Colonial Governmentality and Gender Violence*, combines a somewhat lesser-known case, *Minnesota v. Zay Zah* (1977) with Louise Erdrich's 1998 novel *The Antelope Wife*. Building on the themes from prior chapters, Suzack artfully explores how land dispossession has cogent gender implications that are often ignored in mainstream legal discourse. *Minnesota v. Zay Zah* in the dominant narrative, represented a victory for a tribal citizen whose ancestor's allotment had been illegally forfeited to the state of Minnesota. Embedded within the litigation, however, the question of blood quantum was central – because the United States government had attempted to craft different rules for "full-bloods" and "mixed-blood" Indians. Blood quantum was created by the colonial government as a primary way to separate bodies from land. As Suzack notes, the case illuminated the "failure of the federal government to safeguard Indigenous peoples' land rights..." and exposed the widespread, outright theft of Indian lands in the early 20th century. Suzack's connection of the case to Erdrich's novel is not as strong as the first two chapters (in part because gender is not a direct component of the *Zay Zah* case), but does allow her to explore how dispossession (in all its forms) disparately affects Indigenous women. *The Antelope Wife* tells the story of a family of Ojibwa women who are physically and psychologically displaced through colonial violence over the course of many decades, which nearly severs their familial and social ties. Like colonial blood quantum rules, violence committed against Indigenous women threatens the very fabric of tribal societies by denying Indigenous people their rightful cultural inheritance. The journey of the characters in the novel to

regain cultural continuity form the basis for Suzack's poignant assertion that "...it is only through acceptance and integration rather than separation and denial that women are able to recover a sense of their inheritances and intergenerational community relations." (97).

The final chapter, *Land Claims, Identity Claims* continues the discussion of the White Earth experience by exploring how a failed challenge to the 1986 White Earth Land Settlement Act (WELSA) spearheaded by acclaimed Native activist Winona LaDuke, represented the continuation of colonial entanglements with land and law. Chapter 4 is not as cohesive as the prior three chapters, in part because Suzack uses this chapter to more fully explicate what she means by an "indigenous standpoint" feminist perspective (a section which is well-crafted and argued). The legal text centered in this chapter is the 1991 *Manypenny v. United States* case that denied a challenge to the WELSA, which Suzack situates alongside LaDuke's novel *Last Standing Woman*. This pairing is perhaps the most cogent in the book because LaDuke was a primary plaintiff in the *Manypenny* case. *Manypenny* represents, for many a complete failure of the federal justice system to remedy the historical injustices done to the White Earth people. Instead of returning the stolen land to the rightful heirs of the allottees, WELSA authorized nominal payments for the stolen land in order to settle the legal uncertainty that arose in the aftermath of the *Zay Zah* case. The *Manypenny* plaintiffs sought to challenge the legal framework established by WELSA by seeking to recover the disputed land instead of accepting payment, but their claims were denied. *Last Standing Woman* introduces gender into the story of dispossession by developing female characters who, despite being victims of horrific violence, establish community connections through a shared vision of collective responsibility for the land. By employing a trans-historical narrative, LaDuke artfully establishes White Earth as a sacred homeland – not a mere "remnant of the treaty process". The novel thus serves as the literary antidote to the *Manypenny* decision. It also offers a vision of contemporary movement-building through "mutual respect and cultural obligation."

Early in Chapter 2, Suzack presents a profoundly provocative question: "To what extent can Indigenous women turn to law to fulfill their expectations of justice when law and its social consequences have been the source of their disempowerment and oppression?" (51). As an Indigenous feminist lawyer trained in the American legal system, this question is unsettling. But after reading Suzack's finely crafted monograph, I am left with a sense of hope and gratitude for what Indigenous feminist literature can teach us about the quest for justice, which often takes place far from the courthouse doors.

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