Deadliest Enemies: Law and the Making of Race Relations on and off Rosebud by Thomas Biolsi (Book Review)

Frank Pommersheim, University of South Dakota School of Law

Available at: https://works.bepress.com/frank_pommersheim/78/
**Deadliest Enemies: Law and the Making of Race Relations on and off Rosebud Reservation.** By Thomas Biolsi. (Berkeley, University of California Press, 2001. xiii + 240 pp. $35)

In his new book, *Deadliest Enemies*, Thomas Biolsi, a professor of anthropology at Portland State University, sets out to examine and criticize a prevalent theory within the field of Indian law, namely that a primary function of federal Indian law has been to protect Indians and Indian tribes from the "people of the states ... [r] the deadliest enemies." This thesis is tested against a series of conflicts involving non-Indians, the state of South Dakota, and the membership and self-governing status of the Rosebud Sioux Tribe. These conflicts include a reservation boundary dispute, the sale of liquor within the reservation, and jurisdiction on highways within the reservation. Although the Rosebud Sioux Tribe won two out of three of these disputes, there was no noticeable reduction in tribal-state hostility.

Biolsi's conclusion is that federal Indian law, rather than ameliorating racial discord, in fact produces and exacerbates racial distrust and strife. Specifically, he notes, "[r]ather than mediating 'ill feelings' between Indian and non-Indian people in and around Indian country, the discourse of Indian Law has done much to *produce* racial politics and racial tensions there" (p. 6). As a person intimately acquainted with the events at Rosebud described by Biolsi, I readily agree with his conclusion.

Yet, something nags. A certain murkiness descends when Biolsi loops his local interviews and investigation through some very large theoretical constructs involving "fierce lions' produced by discourse—not a natural object that precedes discourse. ... This discursive formation has had a remarkable degree of temporal coherence—staying power particularly regarding its central problematic" (p. 10). It might be easier to say simply that the law not only describes (and regulates) reality, but also helps to create the very reality it describes.

Regardless of the sometimes discordant notes struck between certain academic jargon and the voices of grassroots people, the essential problem Biolsi identifies remains. That problem is whether federal Indian law can meaningfully and fairly address the on-reservation (jurisdictional) conflict between Indians and non-Indians, the tribe and the state. At least to date, the answer, as Biolsi correctly notes, is no. One reason is the one he discusses, namely, the essential incoherence of federal Indian law and its inability to resolve consistently claims "between uniqueness and uniformity" (p. 14) that have bedeviled Indian law from the beginning. Another reason, and one not touched upon much by Biolsi, is the failure to get outside the adversarial posture of most Indian law and return to a regime of negotiation and respect.
Despite some of these shortcomings, Deadliest Enemies is a valuable contribution to the literature that demonstrates the (current) inability of federal Indian law truly to protect Indian people from their "deadliest enemies."

University of South Dakota School of Law

FRANK POMMERSHEIM


Increasing cultural and economic interactions between the United States and China have attracted much attention in recent years. Madeline Hsu's well-researched and eloquently written study helps us better understand that such interactions are part of a historical process that started long before the late twentieth century.

She has given us a nontraditional community study that is focused on two geographical sites: Taishan and the Taishanese community in the United States. Taishan is a county in south China, and it has been one of the most important sources of overseas emigration in China. In fact, by 1988 Taishanese living abroad outnumbered those living in Taishan, according to the county government. The United States has been a significant destination for Taishanese emigrants. During the period under discussion, Taishan sent more immigrants to America than any other county in China. As Hsu points out, therefore, "the history of Taishan during the late nineteenth and early twentieth centuries cannot be told as the history of one place" (p. 4).

This study refreshes our growing awareness of the fluidity of the national boundaries that the nation states (China and the United States) have tried to erect and reinforce. Scholars have challenged Oscar Handlin's notion that for the immigrants, immigration was an "uprooting" process that marked a radical departure from the past. Hsu has successfully and imaginatively reconstructed an emigrant community that had been transcended and expanded, rather than pushed into irrelevance, by the process of international migration. She describes in fascinating detail the personal networks and institutions that helped Taishanese in America and China to stay in touch. Among those institutions have been the Gold Mountain firms, namely, the jinshanzhuang. They served to meet the needs of Chinese immigrants in the Gold Mountain and other foreign countries to send money to China and to obtain Chinese groceries as well as magazines and books published in and about China. One of the magazines that a Taishanese immigrant could pick up in a jinshanzhuang was the Xinning