

HENDRIX, Burke A. *Ownership, Authority, and Self-Determination*. University Park, Pennsylvania: The Pennsylvania State University Press, 2008. x + 219 pp. Cloth, \$55.00—In this thoughtful and well-argued book, Burke Hendrix claims that stable democratic countries, such as United States, Canada, and Australia, should allow their indigenous peoples to pursue an entirely separate political existence where they wish to do so. Hendrix believes that indigenous people have a right to a separate political existence neither because their ancestor happened to live in those territories first, nor because their status as sovereign nations was lost through violence and fraud. Hendrix does believe that there is a case for the return of a substantial land base to indigenous people either through direct transfers of public lands, or indirectly through the provision of funds. But his case for indigenous rights to a separate status does not rest on any alleged connection between property rights and political authority.

According to Hendrix, political authority cannot be derived from ownership in any straightforward way. Neither can it be derived from consent. For consent, by tracing political authority to the choices of every single individual, is an inherently unstable ground. Hendrix argues instead that the authority of the state must be justified by an appeal to individuals' natural duties to aid others in protecting themselves; a position that he traces back to Kant. Within this perspective, the state is morally justified if it provides the best mechanism for fulfilling those duties. In any such form of justification of political authority, individuals' preferences for one political order rather than other one do not count as much. Furthermore, individuals' duties to aid are necessarily conceptualized as coercible. On the surface, the plausibility of a case for indigenous people's claims to a separate status does not look promising. Hendrix argues convincingly, however, that this initial reaction is illusionary.

Hendrix suggests we think about the moral significance that existing political boundaries have within a natural-duty account of political justification. According to such an account, there is no intrinsic moral relationship between an individual and his or her government. States should have whatever borders are most effective in protecting individuals at the least possible cost. Given all the difficulties in changing existing boundaries and in predicting the outcome of different kinds of changes, Hendrix believes that we should generally support the continued jurisdiction of existing states over the territories and populations they now rule. But the contingent character of this right should make us wary: there are almost certainly some cases where the presumption in favor of existing political units should be overridden. Alternative political units might protect the rights of certain individuals better, or at a lesser cost.

A central, practical question naturally arises: who has the right to judge when a political unit is tolerably effective when compared with an alternative? Hendrix argues for a democratic right of self-determination. In Hendrix's view, any large population has a right to seek separation if it can pass a defined set of referenda. The purpose of such a set of referenda is to reduce the dangers of changes in political units by fostering democratic deliberation, and to increase the likelihood that political independence be chosen only when there really are substantial cause for populations to feel aggrieved. Hendrix believes, however, that, perhaps with the exception of the Navajo Nation, this kind of right might not encompass most indigenous people given their extremely small populations and limited territories. This lower limit on the size of fully independent states is established in order to prevent jurisdictional chaos. Yet Hendrix also believes that there may be reasons to allow smaller groups opportunities for exit if we can provide reasons why. Within a group, the morally relevant differences between

individuals could justify allowing some of them what we could not possibly allow everybody else without reaching an undesirable outcome.

Hendrix concludes his book by arguing that “indigenous people might be relevantly different and thus entitled to more extensive rights to political exit than normal populations” (p. 146). Such an argument relies on two claims. First, that indigenous groups, given their cultural differences, are more liable to mistreatment than other kinds of group. Second, that indigenous groups have special resources to offer that deserve to be protected for extrinsic reasons. In particular, they have alternative normative resources that might allow them to pursue “unusual kinds of political order that may provide benefits more broadly over the long run” (pp. 180). The chain of Hendrix’s argument for allowing indigenous peoples to pursue a separate political status is long, and several important issues, both of a normative and factual character arise. Hendrix is deliberate and careful in addressing each of those issues. The reader might remain unconvinced of Hendrix’s case at reaching the end of the book. It is unlikely, however, that he will take it lightly.—Nicolás Maloberti.
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