

Allotment as Carceral Archipelago: A Foucauldian Analysis of the 1887 Dawes Act  
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The moral failings of allotment in the late nineteenth century have long troubled historians of Federal Indian Policy in the United States.<sup>1</sup> How could sincere people, with a genuine concern for Indian welfare, nevertheless visit utter destruction upon them?

Operating from a liberal tradition that presupposes an equitable rule of law, the historiographical focus on well-intentioned but misguided reformers has masked not only reformers' own victimization, but also the hegemonic and systemic goals for the allotment of Indian lands. Although scholars in other fields have just begun to question the assumed beneficence of traditional liberal ideology, Michel Foucault's 1975 attack on liberalism has had little influence on allotment historiography.<sup>2</sup> Here then, I propose an analysis of the ways that the nineteenth-century Dawes Act mirrored the "birth of the prison" and the evolution of the "carceral archipelago" in eighteenth-century France, outlined in Foucault's *Discipline and Punish*.

In fact, the provisions of the Dawes Act exhibit practically a one-one correspondence to the disciplinary space erected during the eighteenth century birth of the prison in France. The spatial division of Indians and their land constituted the erection of an open-air "pan-opticon" designed to transform communal Indians into "disciplined" individuals and at the same time, create a "disciplinary" and "disciplined" territorial space that could be seamlessly integrated into the US economic order. Within this framework, which casts allotment as a function of social control and surveillance, the question of the reformers intentions is rather moot—reformers were not agents but instruments, subject to the same discipline as the Indians they had supposedly come to save.

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<sup>1</sup> Loring Benson Priest, *Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887*. Lincoln, NE: University of Nebraska Press; 1942 [1975], pp. 251-252. Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes*. Norman, OK: University of Oklahoma Press; 1984 [1940], pp. x-xi; 25. Benay Blend, "The Indian Rights Association, the Allotment Policy, and the Five Civilized Tribes, 1923-1936," *American Indian Quarterly* 7 (1983) pp. 67-71. Nancy Hope Sober, *The Intruders: The Illegal Residents of the Cherokee Nation, 1866-1907*. Ponca City, OK: Cherokee Books; 1991. Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes, 1893-1914*. Orem, UT: Ancestry.Com; 1999. William McLoughlin, *After the Trail of Tears: The Cherokee Struggle for Sovereignty, 1839-1880*. Chapel Hill, NC: University of North Carolina Press; 1993. Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*. Lincoln, NE: University of Nebraska Press; 2001 [1984], pp. xii-xiii; 43; 201. C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War*. Chapel Hill, NC: University of North Carolina Press; 2012, pp. 5; 116. Carlson, *Indians, Bureaucrats, and Land*, pp. 10; 19; 44; 172.

<sup>2</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*. New York: Pantheon Books; 1977 [1975]. Thomas Biolsi, "The Birth of the Reservation: Making the Modern Individual among the Lakota," *American Ethnologist* 22 (1995) pp. 28-53. Maureen Konkle, "Indigenous Ownership and the Emergence of U. S. Liberal Imperialism," *American Indian Quarterly* 32 (2008) pp. 297-323. Domenico Losurdo, *Liberalism, A Counter-History*. Gregory Elliott, trans. New York: Verso Books, 2011. Aziz Rana, *The Two Faces of American Freedom*. Cambridge, MA: Harvard University Press; 2011. Helena Rosenblatt, *The Lost History of Liberalism: From Ancient Rome to the Twenty-First Century*. Princeton, NJ: Princeton University Press; 2018.